

RECORD COPY  
File Name ADM-1-1-1 EPC Meeting  
Senders initials *JS* May 1992

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
May 18, 1992

Meeting convenes at 10:00 a.m., Monday, May 18 , in the fourth floor conference room.

Public Participation

10:30 a.m.

*Kirschner Binusing (Item 14-E)* 11:30 a.m.  
APPOINTMENTS: *Scott Neal* 11:00 a.m.  
*Landfill of D.M. (Item 14-D)* 1:30 p.m.  
*City of Tama (Item 14-B)* 2:00 p.m.  
~~Harris Seidel (Item #8)~~ 10:45 a.m.  
Break *City of Lytton (Item 14-G)* 2:30 p.m.  
*Behounek Salvage Yard (Item 14-C)* 3:00 p.m.

*delete*

1. Approve Agenda.
2. Election of Officers.
3. Approve Minutes of April 20, 1992.
4. Financial Status Report. (Kuhn) Information.
5. Solid Waste Videos Contract Approval. (Kuhn) Decision.
6. Final Rule--Chapter 101, Submittal Schedule for Solid Waste Comprehensive Plans. (Hay) Decision.
7. Monthly Reports. (Stokes) Information.
- ~~8. Petition for Rulemaking - City of Williamsburg. (Stokes) Decision.~~
9. Final Rule--Chapter 148, Registry of Hazardous Waste or Hazardous Substance Disposal Sites. (Stokes) Decision.
10. Final Rule--Chapter 61, Water Quality Standards: Big Creek Use Designation. (Stokes) Decision.

*Delete*

~~Delete~~ 11. ~~Final Rule--Chapters 60 and 64, Storm Water Discharge Permits.~~  
~~(Stokes) Decision.~~

12. Notice of Intended Action--Chapters 40, 41, 42 and 43, Definitions, Water Supplies, Laboratory Certification and Design and Operation. (Stokes) Decision.

13. Update - Federal Clean Air Act Implementation. (Stokes) Information.

14. Referrals to the Attorney General (Stokes) Decision.

- a) Van's Poultry Farm, Inc. (Kalona)
- b) Tom Zahrobsky (Lucas)
- c) Behounek Salvage Yard (Chelsea)
- d) Landfill of Des Moines, Inc.
- e) Kirshna Birusingh (Crescent)
- f) Don Faber (Des Moines)
- g) City of Lytton
- h) City of Tama

15. Legislation Update.

16. General Discussion.

17. Address Items for Next Meeting

**NEXT MEETING DATES:**

June 15, 1992

July 20, 1992

August 17, 1992

**The following appointments will need to be added to the agenda:**

**Scott Neal (Item #10) 11:00 a.m.**

**Kirshna Binusing (Item #14-e) 11:30 a.m.**

**Landfill of Des Moines (Item #14-d) 1:30 p.m.**

**~~City of Tama (Item #14-h) 2:00 p.m.~~**

**City of Lytton (Item #14-g) 2:30 p.m.**

**Behounek Salvage Yard (Item #14-c) 3:00 p.m.**

**DELETE: Item #8 and the Harris Seidel appointment at 10:45 a.m.**

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# ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 18, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Maynard Jayne

Ia Cattlemen

DAN VEST

GROWMARK

Bloomington, IL

Jill Mataya

Wasker, Sullivan, & Ward

DM

Amy Christensen Couch

Wasker Sullivan & Ward

DM

JAY DILLON

IOWA POWER

DMS

Scott Young

Stanley Reptiles & Land

Muscatine

Kevin S. Vinchattle

Iowa Grain & Feed Assoc.

Des Moines, IA

R. K. Kelley

UHL

D.M.

Therese Kulture

Smith Demos

PRM

Jack Soenen

ABT

DM

Ronald Barron

city

Mr. Pleasant

Scott NEAL

City of Mt. Pleasant

Mt. Pleasant, IA

Rod Boshart

CR Gzette

JOE NUTTLETON

SALSBURY CEMENTS,

CHARLES CITY

Dennis Ray

Grimes, IA

Keith Wyffelman

Grimes, IA

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 18, 1992

NAME	COMPANY OR AGENCY	CITY
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(PLEASE PRINT)

K.A. BIRKINGH		C.B. Ia.
Jane B. McAllister	Antlers Law Firm	DSM
Vic Kennedy	DNR	"
RUSSELL HELMS	IA COUNTY	JEFFERSON
CITY OF LYTTON	ENGERS APEN	LYTTON, IA
Tom Nilles	McUvre Engg.	Ft. Dodge
John L. Thompson	Atty	Tama IA.

RECORD COPY *May EPC*  
File Name *ADM-1-1-1 meeting*  
Senders Initials *JL*

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**MAY 18, 1992**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, May 18, 1992, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

William Ehm  
Richard Hartsuck  
Rozanne King  
Charlotte Mohr  
Margaret Prahl  
Gary Priebe  
Clark Yeager

### MEMBERS ABSENT

Verlon Britt  
Nancylee Siebenmann

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Scott Neal (Item #10) at 11:00 a.m.
- Appointment - Kirshna Birusingh (Item #14-e) at 11:30 a.m.
- Appointment - Landfill of Des Moines (Item #14-d) at 1:30 p.m.
- Appointment - City of Lytton (Item #14-g) at 2:30 p.m.
- Appointment - Behounek Salvage Yard (Item #14-c) at 3:00 p.m.
- Delete: Item #8 - Petition for Rulemaking, City of Williamsburg and Harris Seidel appointment at 10:45 a.m.
- Delete: Item # 11 - Final Rule--Chapters 60 and 64, Storm Water Discharge Permits.
- Delete: Item #14-h - City of Tama Referral to the Attorney General

*Motion was made by Margaret Prahl to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.*

ADOPTED AS AMENDED

### ELECTION OF OFFICERS

*Motion was made by William Ehm to nominate Richard Hartsuck as chairperson. Seconded by Gary Priebe.*

*Motion was made by William Ehm to cease nominations. Seconded by Gary Priebe. Motion carried unanimously.*

*Vote on the motion to nominate Richard Hartsuck as Chair carried unanimously.*

**RICHARD HARTSUCK ELECTED CHAIRPERSON**

*Motion was made by Gary Priebe to nominate Clark Yeager as vice-chairperson. Seconded by Charlotte Mohr.*

*Motion was made by Charlotte Mohr to cease nominations. Seconded by Rozanne King. Motion carried unanimously.*

*Vote on the motion to nominate Clark Yeager as vice chairperson carried unanimously.*

**CLARK YEAGER ELECTED VICE CHAIRPERSON**

*Motion was made by Rozanne King to nominate Nancylee Siebenmann for secretary. Seconded by Margaret Prah.*

*Motion was made by William Ehm to cease nominations. Seconded by Margaret Prah. Motion carried unanimously.*

*Vote on the motion to nominate Nancylee Siebenmann for secretary carried unanimously.*

**NANCYLEE SIEBENMANN ELECTED SECRETARY**

**APPROVAL OF MINUTES**

*Motion was made by Charlotte Mohr to approve the meeting minutes of April 20, 1992, as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The division level Year-to-Date expenditure report, as of April 30, is attached. Since last month, a number of adjustments reducing General Fund appropriations are being processed. Deappropriation actions, to date, include the RIF; across-the-board cuts of 3.25%, .25%, and .62%; and an administrative reduction of \$362,000. This totals about 8% of the initial FY92 General fund appropriations for DNR operations. The staff will also provide information, as possible, regarding the legislative budget actions affecting the DNR for FY93.

(Reports are shown on the following three pages)

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/92

PAGE 1

	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	18,233.80	168,111.48	139,609.00	28,502.00	167,531.00
202 IN-STATE TRAVEL	1,540.58	16,641.22	30,833.00	14,192.00-	37,000.00
205 OUT-STATE TRAVEL	37.95	1,365.95	2,500.00	1,134.00-	3,000.00
301 OFFICE SUPPLIES	114.88	1,584.86	1,666.00	281.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	47.75	749.68	625.00	125.00	750.00
308 OTHER SUPPLIES	0.00	45.64	1,000.00	954.00-	1,200.00
309 PRINTING & BINDING	0.00	7,935.75	11,666.00	3,730.00-	14,000.00
401 COMMUNICATIONS	240.01	4,397.08	2,500.00	1,897.00	3,000.00
406 OUTSIDE SERVICES	0.00	1,680.22	1,666.00	14.00	2,000.00
410 DATA PROCESSING	0.00	1,298.37	4,000.00	2,702.00-	4,800.00
414 REIMBURSEMENTS TO OTHER A	0.00	139.80	625.00	485.00-	750.00
501 EQUIPMENT	336.66	5,598.84	3,228.00	2,371.00	3,874.00
DIVISION TOTAL	20,551.63	209,348.89	199,918.00	9,431.00	239,905.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/92

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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	93,047.72	1,022,255.09	1,069,256.00	47,002.00-	1,283,115.00
202 IN-STATE TRAVEL	6,449.10	16,279.58	18,329.00	2,049.00-	22,000.00
203 STATE VEHICLE OPERATION	413.34	4,729.32	7,267.00	2,538.00-	8,721.00
204 STATE VEHICLE DEPRECIATIO	655.00	7,050.00	10,383.00	3,333.00-	12,460.00
205 OUT-STATE TRAVEL	0.00	2,931.20	7,290.00	4,359.00-	8,750.00
301 OFFICE SUPPLIES	2,576.36	85,141.08	85,289.00	149.00-	102,350.00
302 FACILITY MAINTENANCE SUPP	444.42	3,626.12	3,333.00	293.00	4,000.00
303 EQUIPMENT MAINTENANCE SUP	143.90	1,986.00	2,500.00	514.00-	3,000.00
308 OTHER SUPPLIES	2,168.04	33,427.76	53,376.00	19,947.00-	64,055.00
309 PRINTING & BINDING	20,481.15	234,580.24	299,659.00	65,079.00-	359,593.00
312 UNIFORMS & RELATED ITEMS	0.00	383.12	500.00	117.00-	600.00
401 COMMUNICATIONS	3,467.83	25,017.13	23,833.00	1,184.00	28,600.00
402 RENTALS	134.68	633.14	1,666.00	1,033.00-	2,000.00
403 UTILITIES	33.67	160.58	625.00	464.00-	750.00
405 PROF & SCIENTIFIC SERVICE	0.00	50.00	5,833.00	5,783.00-	7,000.00
406 OUTSIDE SERVICES	3,743.73	27,918.38	49,249.00	21,330.00-	59,100.00
410 DATA PROCESSING	0.00	9,855.60	11,207.00	1,352.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	0.00	3,875.49	4,166.00	291.00-	5,000.00
501 EQUIPMENT	738.79	8,588.43	8,916.00	327.00-	10,700.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,589.00	0.00	4,589.00	0.00
DIVISION TOTAL	134,497.73	1,493,077.26	1,662,677.00	169,601.00-	1,995,244.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/92

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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	267,170.77	3,035,467.53	3,292,890.00	257,423.00-	3,951,473.00
202 IN-STATE TRAVEL	2,341.03	41,330.34	46,664.00	5,333.00-	56,000.00
203 STATE VEHICLE OPERATION	2,932.66	42,788.30	50,416.00	7,628.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,805.00	57,975.00	61,833.00	3,858.00-	74,200.00
205 OUT-STATE TRAVEL	158.05	1,822.58	1,498.00	325.00	1,800.00
301 OFFICE SUPPLIES	31,450.98	260,183.93	282,163.00	21,979.00-	338,600.00
302 FACILITY MAINTENANCE SUPP	6,733.99	16,270.45	4,999.00	11,271.00	6,000.00
303 EQUIPMENT MAINTENANCE SUP	4,145.28	36,357.10	43,331.00	6,974.00-	52,000.00
308 OTHER SUPPLIES	1,274.02	12,269.51	9,747.00	2,522.00	11,700.00
309 PRINTING & BINDING	82.80	9,518.85	17,746.00	8,228.00-	21,300.00
312 UNIFORMS & RELATED ITEMS	1,030.35	3,274.64	2,666.00	608.00	3,200.00
401 COMMUNICATIONS	6,100.31	67,357.13	66,498.00	861.00	79,800.00
402 RENTALS	0.00	497.50	416.00	82.00	500.00
406 OUTSIDE SERVICES	531.46	23,114.20	43,247.00	20,133.00-	51,900.00
408 ADVERTISING & PUBLICITY	0.00	101.50	416.00	315.00-	500.00
410 DATA PROCESSING	32,711.03	121,216.26	88,748.00	32,468.00	106,500.00
412 AUDITOR OF STATE REIMBURS	0.00	58,020.06	70,833.00	12,813.00-	85,000.00
414 REIMBURSEMENTS TO OTHER A	656.13	24,510.66	38,748.00	14,238.00-	46,500.00
501 EQUIPMENT	35,363.42	67,051.13	151,496.00	84,445.00-	181,798.00
602 OTHER EXPENSES & OBLIGATI	0.00	10,599.00	0.00	10,599.00	0.00
701 LICENSES	0.00	100.00	41.00	59.00	50.00
DIVISION TOTAL	398,487.28	3,889,825.67	4,274,396.00	384,572.00-	5,129,321.00

# Environmental Protection Commission Minutes

June 1992

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## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/92

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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	347,297.68	4,255,498.42	4,644,437.00	388,939.00-	5,573,330.00
202 IN-STATE TRAVEL	3,565.58	49,437.06	70,495.00	21,057.00-	84,599.00
203 STATE VEHICLE OPERATION	14,616.77	158,810.24	160,414.00	1,605.00-	192,500.00
204 STATE VEHICLE DEPRECIATIO	24,395.00	240,770.00	193,913.00	46,857.00	232,697.00
205 OUT-STATE TRAVEL	9.90	2,450.73	3,678.00	1,227.00-	4,415.00
301 OFFICE SUPPLIES	2,276.69	25,230.06	39,955.00	14,725.00-	47,950.00
302 FACILITY MAINTENANCE SUPP	32,508.92	359,415.33	351,167.00	8,248.00	421,404.00
303 EQUIPMENT MAINTENANCE SUP	16,388.98	221,836.77	241,040.00	19,204.00-	289,250.00
307 AG., CONSERVATION & HORT S	5,098.61	10,362.53	17,916.00	7,553.00-	21,500.00
308 OTHER SUPPLIES	1,524.89	23,238.50	32,241.00	9,003.00-	38,694.00
309 PRINTING & BINDING	42.80	8,775.44	25,415.00	16,640.00-	30,500.00
312 UNIFORMS & RELATED ITEMS	2,641.22	39,136.40	43,895.00	4,759.00-	52,679.00
401 COMMUNICATIONS	7,949.23	71,763.75	82,499.00	10,735.00-	99,002.00
402 RENTALS	736.66	18,055.20	23,625.00	5,570.00-	28,350.00
403 UTILITIES	20,842.85	323,430.60	315,373.00	8,059.00	378,451.00
405 PROF & SCIENTIFIC SERVICE	2,000.00	35,401.79	70,877.00	35,475.00-	85,055.00
406 OUTSIDE SERVICES	8,456.59	128,179.83	177,497.00	49,318.00-	213,000.00
408 ADVERTISING & PUBLICITY	246.27	998.21	1,707.00	708.00-	2,050.00
410 DATA PROCESSING	0.00	3,073.38	8,331.00	5,258.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	56.74	16,385.79	4,582.00	11,804.00	5,500.00
501 EQUIPMENT	12,869.59	86,244.93	109,165.00	22,920.00-	131,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	45,610.36	2,249.00	43,361.00	2,700.00
701 LICENSES	20.00	85.00	1,246.00	1,161.00-	1,498.00
DIVISION TOTAL	503,544.97	6,124,190.32	6,621,717.00	497,528.00-	7,946,124.00

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## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/92

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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	143,009.66	1,401,820.13	1,635,141.00	233,322.00-	1,962,174.00
202 IN-STATE TRAVEL	2,485.64	26,977.52	42,443.00	15,467.00-	50,939.00
203 STATE VEHICLE OPERATION	5,369.79	64,068.00	62,496.00	1,571.00	75,000.00
204 STATE VEHICLE DEPRECIATIO	11,035.00	106,440.00	91,315.00	15,125.00	109,580.00
205 OUT-STATE TRAVEL	0.00	1,546.59	2,500.00	954.00-	3,000.00
301 OFFICE SUPPLIES	1,597.49	16,350.54	17,413.00	1,063.00	20,900.00
302 FACILITY MAINTENANCE SUPP	2,310.59	35,806.19	32,081.00	3,725.00	38,500.00
303 EQUIPMENT MAINTENANCE SUP	4,333.40	42,086.38	48,415.00	6,329.00-	58,100.00
307 AG., CONSERVATION & HORT S	1,022.11	128,394.72	74,350.00	54,045.00	89,223.00
308 OTHER SUPPLIES	15,018.74	43,097.78	41,248.00	1,850.00	49,500.00
309 PRINTING & BINDING	1,847.00	7,541.75	13,663.00	6,121.00-	16,400.00
312 UNIFORMS & RELATED ITEMS	2,129.48	11,395.55	13,412.00	2,015.00-	16,100.00
401 COMMUNICATIONS	3,745.80	28,858.30	28,995.00	136.00	34,800.00
402 RENTALS	1,420.00	15,749.82	24,999.00	9,250.00-	30,000.00
403 UTILITIES	2,212.11	23,785.52	27,082.00	3,296.00-	32,500.00
405 PROF & SCIENTIFIC SERVICE	0.00	2,984.65	63,333.00	60,348.00-	76,000.00
406 OUTSIDE SERVICES	4,141.17	29,681.40	33,748.00	4,066.00-	40,500.00
408 ADVERTISING & PUBLICITY	36.00	1,740.82	749.00	992.00	900.00
410 DATA PROCESSING	0.00	1,660.54	915.00	745.00	1,100.00
501 EQUIPMENT	18,677.17	92,604.07	126,699.00	34,094.00-	152,043.00
602 OTHER EXPENSES & OBLIGATI	0.00	8,381.00	0.00	8,381.00	0.00
DIVISION TOTAL	220,391.15	2,090,971.27	2,380,997.00	290,027.00-	2,857,259.00

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## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/92

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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	162,692.75	1,841,300.17	2,028,743.00	187,444.00-	2,434,505.00
202 IN-STATE TRAVEL	2,861.51	22,765.34	42,369.00	19,606.00-	50,854.00
203 STATE VEHICLE OPERATION	1,513.67	18,432.36	21,666.00	3,233.00-	26,000.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	24,450.00	24,750.00	300.00-	29,700.00
205 OUT-STATE TRAVEL	1,095.20	9,448.89	13,207.00	3,757.00-	15,850.00
301 OFFICE SUPPLIES	1,803.65	14,517.82	13,016.00	1,504.00	15,629.00
302 FACILITY MAINTENANCE SUPP	63.06	170.56	1,124.00	953.00-	1,350.00
303 EQUIPMENT MAINTENANCE SUP	163.50	9,148.56	15,415.00	6,266.00-	18,500.00
304 PROF. & SCIENTIFIC SUPPL	777.86	15,325.97	22,497.00	7,171.00-	27,000.00
308 OTHER SUPPLIES	7,692.56	34,964.07	33,211.00	1,753.00	39,861.00
309 PRINTING & BINDING	10.65	13,530.08	34,697.00	21,168.00-	41,645.00
401 COMMUNICATIONS	3,223.55	27,438.25	28,544.00	1,105.00-	34,260.00
402 RENTALS	0.00	1,810.00	2,000.00	190.00-	2,400.00
403 UTILITIES	1,450.64	9,278.63	10,978.00	1,699.00-	13,175.00
405 PROF & SCIENTIFIC SERVICE	32,402.67	508,811.52	679,680.00	170,869.00-	815,620.00
406 OUTSIDE SERVICES	716.30	44,954.89	22,334.00	22,621.00	26,810.00
408 ADVERTISING & PUBLICITY	0.00	198.85	0.00	199.00	0.00
410 DATA PROCESSING	0.00	10,941.41	15,494.00	4,555.00-	18,600.00
414 REIMBURSEMENTS TO OTHER A	75.00	2,191.55	5,341.00	3,147.00-	6,415.00
501 EQUIPMENT	9,284.29	58,123.97	126,348.00	68,225.00-	151,623.00
602 OTHER EXPENSES & OBLIGATI	0.00	16,236.00	0.00	16,236.00	0.00
DIVISION TOTAL	228,271.86	2,684,038.89	3,141,414.00	457,375.00-	3,769,797.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	475,000.29	5,235,824.84	5,725,109.00	489,282.00-	6,870,143.00
202 IN-STATE TRAVEL	2,816.35	46,706.38	100,030.00	53,326.00-	120,050.00
203 STATE VEHICLE OPERATION	2,332.90	31,099.36	51,832.00	20,733.00-	62,200.00
204 STATE VEHICLE DEPRECIATIO	5,105.00	48,885.00	54,999.00	6,114.00-	66,000.00
205 OUT-STATE TRAVEL	2,563.32	27,173.94	26,664.00	509.00	32,000.00
301 OFFICE SUPPLIES	5,567.87	45,787.48	47,115.00	1,328.00-	56,550.00
302 FACILITY MAINTENANCE SUPP	11.04	739.97	2,082.00	1,342.00-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	633.02	6,341.59	9,165.00	2,823.00-	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	833.00	798.00-	1,000.00
308 OTHER SUPPLIES	971.47	17,215.43	18,702.00	1,487.00-	22,450.00
309 PRINTING & BINDING	452.95	22,662.45	36,326.00	13,664.00-	43,600.00
312 UNIFORMS & RELATED ITEMS	0.00	669.32	3,332.00	2,662.00-	4,000.00
401 COMMUNICATIONS	11,140.07	92,382.22	92,249.00	131.00	110,700.00
402 RENTALS	4,658.04	42,391.12	45,999.00	3,608.00-	55,200.00
403 UTILITIES	887.23	13,182.91	12,583.00	600.00	15,100.00
405 PROF & SCIENTIFIC SERVICE	6,770.58	661,564.07	1,119,636.00	458,072.00-	1,343,568.00
406 OUTSIDE SERVICES	2,673.25	25,324.37	36,223.00	10,897.00-	43,470.00
408 ADVERTISING & PUBLICITY	184.63	3,703.87	9,913.00	6,209.00-	11,900.00
410 DATA PROCESSING	0.00	91,951.38	113,442.00	21,493.00-	136,140.00
414 REIMBURSEMENTS TO OTHER A	376.80	13,941.94	22,410.00	8,467.00-	26,900.00
501 EQUIPMENT	14,927.26	164,726.76	407,073.00	242,346.00-	488,496.00
602 OTHER EXPENSES & OBLIGATI	0.00	25,074.00	83.00	24,991.00	100.00
DIVISION TOTAL	537,072.07	6,617,383.52	7,935,800.00	1,318,420.00-	9,523,067.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	848,428.52	9,135,354.70	9,319,691.00	184,337.00-	11,183,655.00
202 IN-STATE TRAVEL	26,092.86	245,284.19	259,710.00	14,426.00-	311,671.00
203 STATE VEHICLE OPERATION	32,496.11	418,695.56	381,619.00	37,075.00-	457,959.00
204 STATE VEHICLE DEPRECIATIO	59,215.00	577,530.00	594,378.00	16,848.00-	713,260.00
205 OUT-STATE TRAVEL	4,442.19	14,799.00	23,332.00	8,533.00-	28,000.00
301 OFFICE SUPPLIES	6,556.64	236,690.25	156,756.00	79,934.00-	188,120.00
302 FACILITY MAINTENANCE SUPP	20,336.24	174,111.86	275,938.00	101,827.00-	331,144.00
303 EQUIPMENT MAINTENANCE SUP	26,986.68	276,212.94	291,362.00	15,152.00-	349,652.00
307 AG., CONSERVATION & HORT S	24,106.93	187,079.23	267,640.00	80,559.00-	321,177.00
308 OTHER SUPPLIES	11,498.13	91,914.64	70,033.00	21,882.00-	84,058.00
309 PRINTING & BINDING	1,007.65	53,814.62	125,643.00	71,830.00-	150,776.00
312 UNIFORMS & RELATED ITEMS	5,945.86	112,121.90	101,504.00	10,619.00-	121,821.00
401 COMMUNICATIONS	15,612.81	164,118.12	143,203.00	20,915.00-	171,854.00
402 RENTALS	3,525.54	32,462.14	36,739.00	6,277.00-	46,492.00
403 UTILITIES	12,473.68	161,390.31	180,842.00	19,452.00-	217,020.00
405 PROF & SCIENTIFIC SERVICE	4,870.00	84,260.06	115,711.00	31,451.00-	138,855.00
406 OUTSIDE SERVICES	8,577.19	100,869.84	86,096.00	14,774.00-	103,330.00
408 ADVERTISING & PUBLICITY	353.38	2,473.07	2,123.00	349.00	2,550.00
410 DATA PROCESSING	0.00	37,995.69	36,749.00	1,247.00	44,100.00
414 REIMBURSEMENTS TO OTHER A	30,185.29	116,874.16	116,206.00	669.00	139,450.00
501 EQUIPMENT	63,198.16	186,705.94	258,716.00	72,008.00-	310,471.00
602 OTHER EXPENSES & OBLIGATI	935.00	1,133.00	666.00	467.00-	800.00
701 LICENSES	0.00	50.00	250.00	200.00-	300.00
DIVISION TOTAL	1,206,843.86	12,411,941.22	12,846,907.00	434,969.00-	15,416,515.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
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	TOTAL EXPENDITURES 04/01/92 - 04/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	36,299.83	340,716.74	517,263.00	176,546.00-	620,719.00
202 IN-STATE TRAVEL	3,700.69	24,253.13	23,715.00	539.00	28,460.00
205 OUT-STATE TRAVEL	960.66	4,541.76	12,915.00	8,373.00-	15,500.00
301 OFFICE SUPPLIES	115.21	2,605.92	15,022.00	12,417.00-	18,030.00
303 EQUIPMENT MAINTENANCE SUP	0.00	1,252.58	208.00	1,045.00	250.00
308 OTHER SUPPLIES	416.49	7,691.82	6,916.00	776.00	8,300.00
309 PRINTING & BINDING	612.00	14,057.00	67,460.00	53,403.00-	80,953.00
401 COMMUNICATIONS	1,399.53	8,606.56	21,082.00	12,475.00-	25,300.00
405 PROF & SCIENTIFIC SERVICE	3,644.88	81,017.48	82,804.00	1,787.00-	99,365.00
406 OUTSIDE SERVICES	785.58	1,917.99	4,791.00	2,874.00-	5,750.00
410 DATA PROCESSING	0.00	3,921.33	4,415.00	494.00-	5,300.00
414 REIMBURSEMENTS TO OTHER A	1,451.36	7,183.06	14,541.00	7,357.00-	17,450.00
501 EQUIPMENT	6,067.51	25,928.63	20,894.00	5,034.00	25,075.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,518.00	0.00	4,518.00	0.00
DIVISION TOTAL	55,453.74	528,212.00	792,026.00	263,814.00-	950,452.00

Mr. Kuhn explained reductions in the budget and comparisons with last year's budget.

<b>INFORMATIONAL ONLY</b>
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### **SOLID WASTE VIDEOS CONTRACT APPROVAL**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the Director entering into a contract for the production of three solid waste management videos. These videos will be prepared with the support of a grant from the U.S. Environmental Protection Agency and a portion of the Household Hazardous Materials fund. The goals for the videos are to provide an easily accessible, accurate overview of the importance of waste reduction and recycling, as well as to motivate people to take specific actions to reduce the amount and toxicity of the wastes generated from their homes. The State's three universities--each having its own state-of-the-art film facility--were invited to submit a response to the request for proposal. Each university responded with a proposal for a total of four videos, with DNR's option to split the video awards. The following proposals were received:

Iowa State University	\$58,850
University of Northern IA	59,975
University of Iowa	60,000

The staff recommends that the contract for three of the videos be awarded to the University of Northern Iowa's (UNI) Office of Public Relations. The fourth video, (topic: Business waste reduction and recycling), has been awarded to the University of Iowa. Because the costs for the business video are under \$25,000, the Commission's approval is not required.

The proposals were evaluated on a number of criteria, including creative story lines, method of producing the videotapes and consistency with DNR objectives.

UNI was selected due to the completeness in fulfilling the proposed requirements and their emphasis on creative, motivational story lines.

- The topics and the age groups for each video are as follows:

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VIDEO 1: Household hazardous wastes for 6th graders through adults.

VIDEO 2: Reducing/recycling wastes for 6th graders through adults.

VIDEO 3: Reducing/recycling wastes for Kindergarten through 5th graders.

- Each video will be up to twelve (12) minutes in length.
- UNI will work with Waste Management Division staff to provide complete video production for each video, including: creative concepts, script development, on-camera talent/professional actors and actresses/narrating filming, editing, titling, special effects and music.
- Each video will provide closed-caption for the hearing impaired.
- The videos will be completed on or before November 30, 1992.
- A total of 150 copies of each video will be made by UNI. Distribution of the copies will be by Waste Management Division and will include Area Education Agencies, ISU Extension Offices and the Department's library facility.
- Promotion of the videos will be via news releases, direct mail and announcements in various solid waste and educational organizational newsletters.

**UNIVERSITY OF NORTHERN IOWA  
OFFICE OF PUBLIC RELATIONS  
WASTE MANAGEMENT VIDEOS**

**ARTICLE V. SCOPE OF WORK**

5.1 The Contractor shall be responsible for the complete video production of each of the three (3) 10 - 12 minute videos, including:

A) Creative concept - Gather data to organize objectives and goals for three videos that will be up to 12 minutes each in length.

B) Script development - Develop flow of presentation from concept to completion. The scripts will be written by the Contractor in collaboration with Department personnel; any script changes are subject to approval by the Department prior to shooting.

C) Videotaping - Establish locations, including permission from landowners/tenants when necessary, and film all segments with Department assistance.

~~D) On-camera talent and/or professional actors and actresses/narrator - select talent, record and edit narration and musical selections with Department prior approval.~~

E) Editing - Select best cuts and assemble footage into desired 10 - 12 minute Project film lengths with Department assistance.



F) Titling - Create desired titles to enhance audio and video with Department approval.

G) Special effects - Add digital video effects, paint box graphics, slow motion photography and character generation to be overlain on other shots.

H) Music - Select musical theme to complement each presentation.

I) Contractor will work with the Department to coordinate closed-captioned for the hearing impaired on each of the three (3) master videos prior to dubbing the 150 video copies of each master video.

J) Master tape - The Project is to be shot on broadcast quality 3/4-inch videotape or Beta tape, edited to one-inch videotape. Prior to closed-caption application, the Contractor will provide the Department 1 VHS copy and 1 3/4" sample copy for each video in the Project. One 1" master copy of the Project will be provided for the making of any future additional copies by the Department.

K) The Contractor shall submit a total of 150 1/2" VHS copies of each of the three videos, complete with the closed-caption feature, ready for the Department's distribution on or before the ending date as set forth on the title page of this Contract under "Time of Performance."

5.2 Following approval of the final shooting scripts for the Project, the Department shall coordinate with the Contractor in contacting the on-site staff to establish shooting dates and times.

5.3 The Department shall provide technical subject support for script writing and editing assistance. The Department shall provide assistance to the video editor to assure information flow for accuracy and for meeting objectives.

5.4 The final videotape for each of the three videos shall be up to 12 minutes in length.

5.5 NOTE: All printed, audio and/or visual material must have the following acknowledgment/disclaimer prominently displayed:

"This video was prepared with the support of a grant (No. X-007373-02) from the U.S. Environment Protection Agency. However, any opinions, findings, conclusions, or recommendations expressed herein are those of the Department of Natural Resources and do not necessarily reflect the views of the U.S. EPA."

**Budget Summary**

The University of Northern Iowa, Office of Public Relations

Activity	Cost
VIDEO No. 1: HHM (6-adult): Consultation, production, graphics, videotaping, editing of 10 - 12 minute video	13,650.00
VIDEO No. 2: Reduce/recycle (6-adult): Consultation, production, graphics, videotaping, editing of 10-12 minute video	15,350.00
VIDEO No. 3: Reduce/recycle (K-5): Consultation, production, graphics, videotaping, editing of 10-12 minute video	13,650.00
Encoded closed-caption application for 3 videos	1218.00
Dubbing and packaging: 150 copies each video #1, 2, 3 (450 copies total)	1113.50
<b>TOTAL COST</b>	<b>\$44,981.50</b>

Mr. Kuhn gave a brief explanation of the contract proposals and criteria used to select a contractor.

*Motion was made by Rozanne King to approve a contract with the University of Northern Iowa for the production of three solid waste videos. Seconded by Charlotte Mohr. Motion carried unanimously.*

**APPROVED CONTRACT WITH UNI**

**FINAL RULE--CHAPTER 101, SUBMITTAL SCHEDULE FOR SOLID WASTE COMPREHENSIVE PLANS.**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed amendments on the submission schedule for subsequent solid waste comprehensive plans, part I. In its current form, 567--101 directly ties solid waste comprehensive plans to the three year permit renewal schedule, thus acting as a disincentive to regionalizing areas that contain more than one permitted facility.

Notice of Intended Action was published in IAB on March 8, 1992, as ARC 2877A. A public hearing was held on April 8, 1992: no attendance. The department received oral and written comments favorable to the proposed amendments. The following change was made in response to public comment: The submission schedule was clarified in its application, to include Iowa counties only, as defined in subsection 101.5(7)"b"(2).

The purpose of these amendments is to implement 455B.306 and 455D.3. The adopted amendments:

- transfer and renumber 567--101.5(5)b(7)3 to be 567--110.3(i)d. This section deals with soil boring samples taken at sanitary landfills and is being renumbered in order to be located in a more appropriate section of the administrative rules.
  - add, to the general requirements, a reference to the submittal schedule for subsequent solid waste comprehensive plans, part I.
  - encourage solid waste planning activities for multicounty areas where feasible by adding the submittal schedule, as it relates to Iowa counties, for subsequent comprehensive plans, part I.
  - remove the direct tie to the three year solid waste permit renewal schedule for comprehensive plans, part I other than infectious waste treatment or disposal facilities and waste generated by private companies holding solid waste permits.
  - define "private companies" in subrule 101.5(7)c as those companies with waste treatment or disposal facilities limited to specific waste generated by that company.
- 

(Rule is shown on the following four pages)

June 1992

## Environmental Protection Commission Minutes

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.304 and 455D.7, the Environmental Protection Commission of the Department of Natural Resources hereby adopts the amendments to Chapter 101, "General Requirements Relating to Solid Waste Management and Disposal," and Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 18, 1992, as ARC 2877A. A public hearing was held on April 8, 1992. The department received oral and written comments favorable to the proposed amendments. The following change was made in response to public comment: 101.5(7)"b"(2) clarification of out-of-state counties as they relate to the submission schedule for subsequent solid waste comprehensive plans.

Item 1 has been amended to transfer and renumber 101.5(5)"b"(7)"3", regarding soil boring samples at a sanitary landfill site, as 110.3(1)"d", in order to incorporate this subrule into its appropriate chapter.

Item 2, the general requirements have been amended by adding reference to the submittal schedule for subsequent solid waste comprehensive plans.

Item 3, subrule 101.5(7) has been amended by adding the subsequent comprehensive plans, part I submittal schedule. This submittal schedule removes the direct tie to the three-year permit renewal schedule for comprehensive plans, part 1, submitted by cities, counties, or facilities managing solid waste, thus encouraging planning activities for multicounty areas where feasible.

These rules are intended to implement Iowa Code sections 455B.306 and 455D.3.

These amendments become effective July 15, 1992.

ITEM 1. Transfer and renumber 101.5(5)"b"(7)"3" to be 567--110.3(1)"d".

ITEM 2. Amend, introductory paragraph, rule 101.5(455B,455D) to read as follows:

567--101.5 (455B,455D) Comprehensive plans. Cities, counties and private agencies operating or planning to operate a sanitary disposal project after July 1, 1988, shall, in conjunction with all local governments using the sanitary disposal project, file a comprehensive plan with the director either prior to or at the time of application for issuance, renewal or reissuance of a sanitary disposal project permit. At a minimum, the plan shall be updated and refiled with the department at the time of each subsequent application for issuance, renewal, or reissuance of a sanitary disposal project permit. The department may require filing and updating a plan at other times. The department shall act to coordinate and expedite planning activities for multicounty areas where feasible. The general requirements and schedule for updating subsequent plans shall be submitted according to subrule 101.5(7).

ITEM 3. Amend subrule 101.5(7) as follows:

101.5(7) Subsequent plans. After the initial plan has been approved, all subsequent plans must include all elements in rule 101.5(455B,455D) and a thorough evaluation of progress toward meeting the state volume reduction and recycling goals as detailed in subrule 101.5(2). The solid waste abatement table included in the "Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives" shall be used for this evaluation of progress.

a. Interim plan modifications: If a new facility requests to be included in a planning area after completion of a plan but before a subsequent plan is due, and the planning area agrees to include the facility, the following procedure is required:

-a-(1). A letter is submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed.

-b-(2). A letter is submitted to the department by the planning area's responsible agency agreeing to accept the facility in its planning area and stating how the facility will affect the planning area's waste stream.

-c-(3). The subsequent plan submitted by the planning area will include the facility.

b. Plan renewal: The submission schedule for subsequent Comprehensive Solid Waste Plans, Part I submitted by cities, counties or facilities managing solid waste removes the direct schedule correlation to the three-year permit renewal schedule for plans referenced in 101.5(7)"b"(2).

(1) Permittees may be allowed to renew the permit on the permit renewal date providing that the Solid Waste Comprehensive Plan, Part I, will be submitted according to the schedule in 101.5(7)"b"(2). Should the permittee fail to participate in an approvable plan by the date specified in 101.5(7)"b"(2), administrative actions by the department will be implemented to ensure compliance or to terminate operations.

(2) The following schedule change is shown through the third revision. Subsequent plans following the third revision scheduled below will continue to be due in the designated intervals. For the purposes of this schedule, "county" is considered as a territorial whole limited to

Iowa cities, towns, villages, rural and unincorporated areas. Out-of-State cities, towns, villages, rural and unincorporated areas shall not be counted as "counties" for the purposes of this schedule.

<u>Group</u>	<u>Number</u>	<u>First *</u>	<u>Second *</u>	<u>Third *</u>
	<u>of</u> <u>Counties</u>	<u>Revision</u>	<u>Revision</u>	<u>Revision</u>
<u>1</u>	<u>One or Fewer</u>	<u>7/1/92</u>	<u>7/1/95</u>	<u>7/1/98</u>
<u>2</u>	<u>Two - three</u>	<u>1/1/93</u>	<u>1/1/96</u>	<u>1/1/99</u>
<u>3</u>	<u>Four - five</u>	<u>7/1/93</u>	<u>7/1/96</u>	<u>7/1/99</u>
<u>4</u>	<u>Six or more</u>	<u>1/1/94</u>	<u>1/1/97</u>	<u>1/1/2000</u>

\*See text above.

c. Subsequent Solid Waste Comprehensive Plans, Part I, submitted for infectious waste treatment or disposal facilities, and waste generated by private companies that are permitted to manage their own waste are required at the time of permit renewal. For the purposes of this section, private companies are defined as those companies with waste treatment or disposal facilities limited to specific waste generated by that company.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A:EP101.RUL/106.ms)

Ms. Hay explained a change made to the rules as a result of public comment.

Brief discussion followed regarding regionalization where feasible.

*Motion was made by Margaret Prahl to approve Final Rule--Chapter 101, Submittal Schedule for Solid Waste Comprehensive Plans. Seconded by William Ehm. Motion carried unanimously.*

**RULE APPROVED AS PRESENTED**

**MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)



IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
May 1, 1992

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	*6/15/92	*7/08/92	*8/ /92	*8/ /92	*9/21/92	*9/21/92	*10/14/92	*11/18/92
2. Ch. 40, 41, 42, 43-Definitions, Water Supplies-Lab Certification/Design and Operation	5/18/92	*6/10/92	*7/ /92	*7/ /92	*8/17/92	*8/17/92	*9/16/92	*10/21/92
3. Ch. 61 - Water Quality Stds. Big Creek - Mt. Pleasant	1/21/91	2/19/92	3/09/92	3/10/92	5/18/92	*5/18/92	*6/10/92	*7/15/92
4. Ch. 61 - Water Quality Stds.- Phase IV	4/20/92	5/13/92	*6/ /92	*6/04/92 *6/05/92 *6/08/92	*7/20/92	*7/20/92	*8/19/92	*9/23/92
5. Ch. 64 - Stormwater Discharge Permits	11/18/91	12/11/91	1/06/92	1/03/92 1/10/92	5/18/92	*5/18/92	*6/10/92	*7/15/92
6. Ch. 92 - State Revolving Loans for Wastewater Treatment	3/16/92	4/15/92	5/11/92	5/07/92	*6/15/92	*6/15/92	*7/08/92	*8/12/92
7. Ch. 100 & 102 - Permits - Special and Infectious Wastes	1/21/92	2/19/92	3/09/92	3/18/92	*6/15/92	*6/15/92	*7/08/92	*8/12/92
8. Ch. 101 - Solid Waste - Schedule for Comprehensive Plan	2/17/92	3/18/92	4/06/92	4/08/92	5/18/92	*5/18/92	*6/10/92	*7/15/92
10. Ch. 136 - New Financial Assurance Compliance Date for UST Owners with 1-12 Tanks	3/16/92	4/15/92	5/11/92	5/05/92	*6/15/92	*6/15/92	*7/08/92	*8/12/92
11. Ch. 148 - Registry of Hazardous Waste or Hazardous Substance Disposal Sites	1/21/92	2/19/92	3/09/92	3/18/92	5/18/92	*5/18/92	*6/10/92	*7/15/92

\*Projected

MONTHLY VARIANCE REPORT						
Month: April, 1992						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Goose Lake	Wastewater Construction	Wallace, Holland, Kastler, Schmitz & Co.	Manhole Spacing	Approved	04/17/92
2.	IDOT-Pottawattamie County	Flood Plain	IDOT	Freeboard	Approved	04/24/92
3.	City of Dolliver	Watersupply Construction	Howard R. Green Co.	Construction Materials	Approved	04/21/92
4.	City of Cleghorn	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	04/24/92
5.	City of Rembrandt	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	04/24/92
Page : 1 / 1						

## Report of Hazardous Conditions

During the period April 1, 1992 through April 30, 1992, reports of 107 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
04/29/92 Crawford	A crop duster clipped a power line and crashed into a farm pond near Deloit on April 29, 1992. Twenty gallons of 2,4-D were released into the farm pond. No impacts to livestock were reported.	Darrell Johnson RR 1 Box 56A Sac City, IA	The local fire department diked the pond. A local citizen later reinforced the dike. No downstream livestock waterers were identified. The RP will hire a consultant to remediate the pond.
04/02/92 Pottawattamie	The cross over line on a semi was damaged at a truckstop in Council Bluffs. 150 gallons of diesel were spilled on a gravel drive on April 4, 1992. No impacts to the environment were noted.	Truck-O-Mat 3119 South 9th St Council Bluffs, IA	The fire department responded and placed sand on the spill. Contaminated sand and soil was overexcavated and land farmed.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type						Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.	81(85)	47(61)	7(14)	27(10)	40(37)	2(1)	28(23)	2(1)	1(1)	8(22)
Jan.	64(56)	40(31)	6(7)	18(18)	33(35)	0(1)	22(9)	1(1)	0(1)	8(9)
Feb.	61(77)	38(43)	6(7)	17(27)	36(47)	0(1)	19(14)	2(2)	0(2)	4(11)
March	79(82)	40(51)	15(10)	24(21)	50(43)	0(3)	14(17)	1(3)	0(0)	14(16)
April	107(85)	50(46)	35(22)	22(17)	47(36)	3(2)	39(25)	2(1)	0(0)	16(21)
May										
June										
July										
August										
Sept.										

Total Number Of  
Incidents Per Field  
Office This Period:

1	2	3	4	5	6
18	12	11	18	26	22

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of April 1, 1992 through April 30, 1992, the following number of releases from underground storage tanks were identified.

25 (68)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

## NUMBER OF LUST CLEANUPS COMPLETED

During the period of April 1, 1992 through April 30, 1992, the following number of LUST cleanups were completed.

6 (480)

The number in parentheses represents the total number of LUST cleanups through April 30, 1992.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Stringtown Country Cafe, Lenox (4)	Drinking Water	MCL - Bacteria; Public Notice	Emergency Order	4/03/92
George Kall, Scott Co. (6)	Solid Waste	Illegal Disposal	Amended Order Rescinded	4/07/92
Danbury, City of (3)	Drinking Water	Monitoring/Reporting-Other	Order/Penalty	4/07/92
Ely, City of (1)	Drinking Water	Monitoring/Reporting-Radioactivity	Order/Penalty	4/07/92
Lincoln Farm & Home Service, Henderson (4)	Wastewater	Prohibited Discharge	Order/Penalty	4/07/92
Union Pacific Railroad Co., Pottawattamie Co. (4)	Wastewater	Discharge Limits	Order/Penalty	4/07/92
Larry Fishback, Washington Co. (6)	Air Quality	Open Burning	Order/Penalty	4/07/92
Amsted Industries, Inc. d/b/a Griffin Wheel Co., Lee Co. (6)	Solid Waste	Compliance Schedule	Order	4/07/92
Martin Meier, Cerro Gordo Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty	4/07/92
Plymouth Cooperative Oil Co., Hinton (3)	Wastewater	Prohibited Discharge;	Order/Penalty	4/07/92
Amana Refrigeration, Inc., Amana (1)	Air Quality	Construction Without Permit; Operation Without Permit	Order	4/07/92
Clow Valve Company, Oskaloosa (5)	Wastewater	Discharge Limits	Order/Penalty	4/07/92
Ace Mobile Home Park, Dubuque (1)	Drinking Water	Monitoring/Reporting-Radioactivity	Order/Penalty	4/07/92
Poweshiek Water Assoc., Brooklyn (5)	Drinking Water	MCL - Bacteria; Public Notice	Order	4/07/92
Floyd, City of (2)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	4/14/92
Twin Valley Lakes Improvement Assn., Solon (6)	Drinking Water	Monitoring/Reporting-Inorganics & Radioactivity; Public Notice	Order/Penalty	4/14/92

Stringtown Country Cafe, Lenox (4)	Drinking Water	MCL - Bacteria; Public Notice	Emergency Order	4/14/92
Advance Millwork, Inc., North Liberty (6)	Air Quality	Open Burning	Order/Penalty	4/15/92
Newhall, City of (1)	Wastewater	Discharge Limits	Amended Order	4/15/92
Iowa City, City of (6)	Solid Waste	Cover Violations	Referred to AG	4/20/92
Clifford Yentes, Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to AG	4/20/92
Harold Nollen d/b/a Nollens Phillips 66, Harlan (4)	Underground Tank	Closure Investigation	Referred to AG	4/20/92
R.D. Lofton d/b/a Lofton Veterinary Services, Osage (2)	Underground Tank	Closure Investigation	Referred to AG	4/20/92
Dilts Trucking, Inc., Crescent (4)	Underground Tank	Closure Investigation	Referred to AG	4/20/92
Manilla, City of (4)	Wastewater	Discharge Limits	Order	4/27/92
Tasler Pallet & EPS, Inc., Hamilton Co. (2)	Air Quality	Open Burning	Order/Penalty	4/27/92
Crab Tree Lake Resort, Marshall Co. (5)	Wastewater	Monitoring/Reporting	Order/Penalty	4/27/92
Charles P. Schafer, Stringtown Properties, Grover T. Davis and First Community Bank of Lenox, Prescott (4)	Underground Tank	Closure Investigation	Amended Order	4/27/92

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
*Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	500	3-28-92
Zahrobsky Feedlot (Lucas County)	WW	500	3-30-92
Van's Poultry Farm, Inc. (Johnson County)	WW	500	3-31-92
George Taylor (Onslow)	UT	300	4-05-92
Van Hulzen Oil Company (Oskaloosa)	UT	700	4-27-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
*M & D's Chalet (Elgin)	WS	275	5-12-92
Homestead Water Supply (Amana)	WS	675	5-20-92
Dawson, City of	WS	470	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Kris Ehlinger d/b/a K.J.'s Convenience (LeClaire)	UT	600	5-21-92
Charlie Fox d/b/a Charlie's Standard (Hamburg)	UT	600	5-21-92
Gil's Ballroom and Tavern (Andover)	WS	200	5-21-92
*Todd D. Behounek and Paul Behounek (Tama County)	SW	100	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	5-23-92
Best Western Westfield Inn (Coralville)	WS	600	5-23-92
C-D Farm Service (Spencer)	UT	1,000	5-23-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Rocky Nook Resort (Delhi)	WS	475	5-26-92
Joslin Enterprises, Ltd. (Anamosa)	UT	600	5-28-92
NSK Corporation (Clarinda)	AQ	1,000	5-28-92
Community Cooperative Oil Co. (Paullina)	UT	600	5-30-92
Community Cooperative Oil Co. (Remsen)	UT	600	5-30-92
Meyer Mobile Home Park (Denison)	WS	345	5-31-92
*Sleepy Hollow Campground (Oxford)	WW	500	6-01-92
Larry Fishback (Washington Co.)	AQ	1,000	6-09-92
Martin Meier (Cerro Gordo Co.)	WW	300	6-09-92
Union Pacific Railroad Co. (Pottawattamie Co.)	WW	1,000	6-09-92
Clow Valve Company (Oskaloosa)	WW	1,000	6-09-92
Lincoln Farm and Home Service (Henderson)	WW	1,000	6-10-92
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000	6-10-92

\*On Payment Schedule

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Ace Mobile Home Park (Dubuque)	WS	200	6-10-92
Danbury, City of	WS	200	6-10-92
Ely, City of	WS	200	6-13-92
Floyd, City of	WS	220	6-16-92
Twin Valley Lakes Improvement Assn. (Solon)	WS	420	6-17-92
Advance Millwork, Inc. (North Liberty)	AQ	1,000	6-18-92
Crab Tree Lake Resort (Marshall County)	WW	1,000	6-29-92
Tasler Pallet & EPS, Inc. (Hamilton County)	AQ	1,000	7-01-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Landfill of Des Moines, Inc. (Des Moines)	SW	1,000	1-06-92
Vern Starling (Boone Co.)	SW	800	9-15-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
John Hosch (Jones County)	WW	1,000	12-24-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	1-25-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
R. D. Lofton, DVM (Osage)	UT	300	2-12-92

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Westside Park for Mobile Homes (Lee Co.)	WW	250
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Casey's General Store (Redfield)	UT	1,000

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Tower Club (Cresco)	WS	400
Robert Dean (Parkersburg)	SW	500
New Virginia, City of	WS	800
Wiota, City of	WS	500
Ames, City of	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
West Liberty Oil Co. (West Liberty)	UT	1,000
Koehring Cranes & Excavators, Inc. (Waverly)	AQ	1,000
Calhoun Co. Sanitary Landfill (Calhoun Co.)	SW	1,000
Village Creek Bible Council (Lansing)	WS	500
Dietrick Mobile Home Park, Inc. (Grundy Co.)	WW	1,000
Farmland Foods, Inc. (Carroll)	WW	1,000
Fieldstone Cabinetry, Inc. (Northwood)	AQ	1,000
Eagle Window & Door, Inc. (Dubuque)	AQ	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
Mark and Craig Erpelding (Algona)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D. Frank/D. Steib-Interstate Salvage (Webster Co.)	AQ	600
Linden Water Supply	WS	1,000
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500
William H. Viner (Emerson)	UT	600
Partners-Four-Investments, Inc. (Rockwell)	UT	700
Ossian Chemical, Inc. (Davenport)	AQ	1,000
Farmers Cooperative Elevator (Martelle)	HC	1,000
Partners-Four-Investments, Inc. (Marble Rock)	UT	700
Community Cooperative Oil Co. (Marcus)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Clement Auto and Truck, Inc. (Webster City)	UT	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Lake Mills, City of	WS	400
Fort Madison Municipal Water Works	WS	1,000
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Fremont Golf Course (Fremont)	WS	460
Neola Light & Water (Neola)	WS	200
*Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	500
Fred Mason d/b/a Mason's Standard (Slater)	UT	100
Lake Panorama Water Company (Panora)	WS	900
Bankston, City of	WS	100
*Sportsman Lounge (Conesville) (Paid in Full)	WS	100
*M & D's Chalet (Elgin)	WS	50
Doolittle Oil (Webster City)	UT	1,000
Shorty's Steakhouse (W. Des Moines)	WS	260
Amoco Oil Co. (Clive)	UT	1,000
Iowa Mold Tooling, Inc. (Garner)	AQ	1,000
Farmers Cooperative Elevator Co. (Truro)	WW	350
Hammer's Plastic Recycling Corp. (Hardin Co.)	AQ	300
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100
Darrell's Place (Hamlin)	WS	200
American Recycling, Inc. (Council Bluffs)	AQ	500
Pallister Pallet Inc. (Louisa County)	AQ	600
Bellevue Golf Club, Inc. (Bellevue)	WS	380
Coulter, City of	SW	300
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	200

TOTAL \$8,100

The \$500 penalty assessed to George Kall (Scott County) has been rescinded.

\*On Payment Schedule

## Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Al's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action	Order	Referred	12/16/91
Amana Colonies Golf Course Amana (6)		Wastewater	Construction Without Permit	Order	Referred	2/17/92
American Meat Protein Corp. Lytton (3)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/21/91 4/30/92
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 1/25/93
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
		Air Quality	Emission Stds.		Referred Petition Filed	5/20/91 10/04/91
Bell Watcher, Inc. Poweshiek Co. (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated	9/20/89 4/23/90 12/23/91
Boley, Fred d/b/a Boley Oil McCaustland (6)		Hazardous Condition	Remedial Action	Order	Referred	2/17/92
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred	5/21/90
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Mtrg/Rprtg- Nitrate	Order/Penalty	Referred	6/17/91
Buffalo Bill Estates, Inc. Clinton County (6)		Drinking Water	Mtrg/Rprtg- MCL - Bacteria	Order/Penalty	Referred	12/16/91
Build-A-Rama Kossuth County (2)	Updated	Water Rights	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Trial Date	7/27/90 10/29/90 10/10/91 7/14/92
Burkhart, Carl A. Perry (5)	Updated	Air Quality Solid Waste	Open Burning Illegal Disp.	Order Referred	Referred Motion for Judgment Hearing Date Judgment (\$200/Admin.)	12/16/91 1/31/92 4/03/92 4/03/92
Capitol City Oil Co. d/b/a Dakota Mobile Home Park Iowa City (6)		Wastewater	Monitoring/ Reporting	Order/Penalty	Referred	2/17/92

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date	9/18/90 12/31/90 Continued
Chalfant, Milo, et.al. Webster City (2)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 4/08/92
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted Order/Change Venue to Hardin Co. Motion to Consolidate	8/19/91 8/26/91 9/23/91 11/21/91 12/31/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion to Consolidate	8/14/91 9/16/91 12/31/91
Hawkeye Land Company Iowa Falls (2)				Order	Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate	9/16/91 11/21/91 12/31/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Suit Filed Default Judgment	11/09/89 4/ / 90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan Site Work Remedial System Activated	8/17/88 2/01/90 4/20/90 8/22/90 10/14/91 2/06/92
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal Appellant Filed Brief State Filed Brief	4/18/91 5/08/91 7/23/91 8/13/91 11/11/91 1/10/92
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disp.	Referred to Attorney General	Referred Petition Filed Default Judgment	8/21/90 11/30/90 6/10/91



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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Des Moines, City of (5)	Updated	Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree (\$10,000/Civil + Injunction)	9/18/90 4/30/92
Dilts Trucking, Inc. Crescent (4)	New	Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)	Updated	Air Quality Solid Waste	Open Burning Illegal Disp.	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$1,000/Civil)	6/19/90 3/13/91 Continued 4/13/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	12/16/91
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Ervin, Don (Continued)			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument Ruling on Petition for Judicial Review Notice of Appeal	4/12/91 11/04/91 3/02/92 3/31/92
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	2/18/91 8/06/91
Herweh, Bill Prairie City (5)		Underground Tank	Closure Investigation	Order	Referred	11/18/91
Hosch, John Jones County (1)		Wastewater	Prohibited Discharge	Order/Penalty	Referred	2/17/92
Iowa City, City of (6)	New	Solid Waste	Cover Violations	Referred to Attorney General	Referred	4/20/92
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred	12/16/91
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Stnds; Treatment Agreement	Order	Referred	2/18/91
Loften, R. D. d/b/a Loften Veterinary Services Osage (2)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred	4/20/92
Maasdam, Donald Rolfe (3)		Solid Waste	Operation Without Permit	Order	Referred	1/21/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred	2/17/92
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed	5/30/91 6/25/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation	3/12/91 5/01/91 3/26/92
Midwest Environmental Law Center v. EPC	Updated	Air Quality	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Hearing on Motion	12/03/91 12/23/91 4/10/92 5/22/92
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Trial Date	12/11/89 7/19/91 4/13/92
New Virginia Sanitary District (5)		Wastewater	Mtrg/Rprtng	Referred to Attorney General	Referred	9/16/91
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)	New	Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Orchard, City of (2)		Drinking Water	Mtrg/Rprtng MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree (\$1,500/Civil + Injunction	6/19/90 4/10/92 4/23/92
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	10/15/90 5/23/91 5/04/92
Rottler Farms, Inc. and Pooley and Rottler Farms, Inc. Butler County (2)		Wastewater	Pretreatment	Order/Penalty	Referred	2/17/92
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS May 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000) Bankruptcy Ch. 7 Filed Claim Filed Bankruptcy Trial Date	2/20/90 7/02/90 10/30/91 12/19/91 1/21/92 5/14/92
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Starling, Vern Boone County (5)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Summary Judgment Trial Date Ruling on Motion for Summary Judgment	1/21/92 1/31/92 3/02/92 3/03/92
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/15/90 11/27/91
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Mtrg/Rprtng	Order/Penalty	Referred	9/16/91
Touchdown Co., et. al., Webster City (2)	Updated	Underground Tank	Prohibited Discharge Failure to Rpt Haz. Condition	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$15,000/Civil + Injunction)	6/21/89 2/14/91 5/12/92 4/30/92
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)	New	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/20/92

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES MAY 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency MHP	Administrative Order	WM	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Hearing continued.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	One of two sites closed-SCR completed on second.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Hearing set for 8/10/92.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settled. Appeal dismissed 4/10/92.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Hearing set for 5/12/92.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Settled.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing held 4/22/92.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Department response sent 3/12/92.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Settlement pending.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES MAY 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing set for 8/3/92.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Wornson	Settlement proposed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Petition for judicial review.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	Settlement proposed.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads; Manatt's, Inc.	Administrative Order	HC	Landa	Settled.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Appeal withdrawn. Dismissal order issued by ALJ.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 8/6/92.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Hearing set for 6/19/92.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing continued.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Decision 2/24/92.
5-31-91	Cargill, Inc.	Certificate to Construct	AQ	Preziosi	Written direct testimony filed.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Preziosi	Sent to DIA.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Hearing set for 6/12/92.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
8-05-91	Rathburn Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Hearing set for 5/14/92.
8-14-91	Williamsburg, City of	Administrative Order	WW	Hansen	Hearing continued to 6/18/92. Answer filed 4/6/92.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Preziosi	Hearing continued to 7/7/92.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Preziosi	Written testimony filed.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Information received 3/16/92.
9-16-91	Monrovia Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-17-91	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Settled.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Preliminary engineering report under review.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Parker Hannifin Corp.	Permit Conditions	WW	Hansen	Settled.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES MAY 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Awaiting attorney response.
11-14-91	Ossian, Inc.	Permit Denial	AQ	Preziosi	Settlement close.
11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	Awaiting attorney's response.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement close.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Report submitted to EPC/under review by WS.
12-09-91	Robert Dean	Administrative Order	SW	Kennedy	Negotiating before filing.
12-09-91	Koehring Cranes and Excavators	Administrative Order	AQ	Preziosi	Negotiating before filing.
12-26-91	John Deere Waterloo Works	Permit Conditions	WW	Hansen	Settlement proposed.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Negotiating before filing.
1-03-92	New Virginia, City of	Administrative Order	WS	Hansen	Hearing set for 5/1/92.
1-07-92	Wlota, City of	Administrative Order	WS	Hansen	Preliminary engineering report under review by WS.
1-10-92	Calhoun Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Settlement pending.
1-13-92	Ames, City of	Administrative Order	SW	Kennedy	Negotiating before filing.
1-13-92	Village Creek Bible Camp/Retreat	Administrative Order	WS	Hansen	As-built constr. application under review by WS.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Meeting 4/13/92.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Hearing set for 4/19/92/continuance requested.
1-24-92	West Liberty Oil Co.	Administrative Order	UT	Wornson	Informal hearing requested/letter sent.
1-27-92	Heartland Lysine, Inc.	Tax Certification Denial	WW	Murphy	Negotiating before filing.
1-28-92	Dietrick Mobile Home Park	Administrative Order	WW	Murphy	Negotiating before filing.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-14-92	Ossian Chemical, Inc.	Administrative Order	AQ	Preziosi	Hearing set for 5/26/92.
2-20-92	Farmland Foods, Inc.	Administrative Order	WW	Hansen	Hearing set for 5/15/92.
2-24-92	Fieldstone Cabinetry, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
2-24-92	Eagle Window & Door Co.	Administrative Order	AQ	Preziosi	Settlement close.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2-25-92	Nordstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	New case-penalty only.
3-03-92	Mark and Craig Erpelding	Administrative Order	HC	Murphy	Negotiating before filing.
3-09-92	Iowa Power, Inc.- Council Bluffs	Permit Condition	WW	Hansen	New case.
3-11-92	Bernard Sadler and Ger-Mar Farms, Inc.	Administrative Order	SW	Kennedy	New case.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing.
3-16-92	Hammer's Plastic Recycling	Administrative Order	AQ	Kennedy	Settlement pending.
3-16-92	HON Company	Permit Denial	AQ	Preziosi	Appeal withdrawn.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Negotiating before filing.
3-23-92	Partners-Four Investments- Marble Rock	Administrative Order	UT	Wornson	Negotiating before filing.
3-30-92	White Consolidated Industries, Inc.	Administrative order	WW	Hansen	New case-penalty only.
3-31-92	Farmers Co-operative Elevator - Truro	Administrative Order	WW	Murphy	Settled.
4-01-92	Occidental Chemical Corp.	Administrative Order	SW	Kennedy	New case.
4-03-92	Charles P. Schafer; Stringtown Properties, et. al.	Administrative Order	UT	Wornson	Negotiating before filing.
4-06-92	Community Cooperative Oil Co. - Marcus	Administrative Order	UT	Wornson	New case.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	New case.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	New case.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
4-16-92	Swaledale, City of	Administrative Order	WS	Hansen	Negotiating before filing.
4-17-92	John M. Staub d/b/a Hr. Convenient	Administrative Order	UT	Wornson	Negotiating before filing.
4-24-92	Ft. Madison, City of	Administrative Order	WS	Clark	New case.



Mr. Stokes explained that the schedule will change for the Stormwater Discharge Permit rules on the referrals report. These rules will be delayed until next month to allow interested/regulated parties time to review the rules and responsiveness summary.

Margaret Prah1 asked why there has been no activity since July 1991 on the Robert Bryant case shown on the referrals report.

Mr. Murphy stated that this case has been under consideration for criminal action and he is not aware of any final decision on it.

Commissioner Prah1 asked if there is a time limit for filing a criminal charge.

Mr. Murphy responded that there probably is and he will check on the statute of limitations.

<b>INFORMATIONAL ONLY</b>
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#### **FINAL RULE--CHAPTER 148, REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Iowa Code 455B, Division IV, Part 5, is the legislative authority for placing sites on the Registry. Written procedures have been developed internally which are used as guidance by the staff for placing sites on the Registry.

On July 25, 1991, an Administrative Law Judge ruled that the department's reliance on its procedure manual without following 17A required rulemaking procedures was in error. From this ruling it appears necessary and appropriate for the department to develop and implement rules for placing sites on the Registry.

These rules establish the procedures and criteria the department will use with respect to listing sites on the Register of Hazardous Waste or Hazardous Substance Disposal Sites. Included are:

- \* Criteria for selection of site investigations
- \* Procedures for site investigation prior to listing on the registry
- \* Criteria for classifying sites
- \* Procedures for listing sites
- \* Reporting Requirements

One public hearing was held at which there were no oral comments. One written comment was received during the comment period which did not result in any change to the

proposed rules. One revision to the proposed rules was made as the result of a comment from the Administrative Rules Review Committee.

(Rule and Responsiveness Summary is shown on the following eight pages)

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.412, the Environmental Protection Commission hereby adopts new Chapter 148, "Registry of Hazardous Waste or Hazardous Substance Disposal Sites." Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 19, 1992, as ARC 2805A. A public hearing was held on March 18, 1992. The Environmental Protection Commission adopted this rule on May 18, 1992.

The new rules establish the procedures and criteria the Department will use with respect to listing sites on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites. These rules also set forth the criteria to be considered by the Department for determining the appropriate site classification.

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~~There were no comments at the public hearing, but one written comment was received~~ before the close of the written comment period. The only change was in response to a comment from the Administrative Rules Review Committee on March 9, 1992. The rule 148.3(2)"a" was changed to include a reference for additional information about the National Priorities List and the Hazardous Ranking System used for the U.S. Environmental Protection Agency's Superfund program.

These rules are intended to implement Iowa Code section 455B.426.

These rules will become effective July 15, 1992.

## CHAPTER 148

## REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES

**567--148.1(455B) Scope.**

**148.1(1)** These rules establish the procedures and criteria the department will use with respect to listing sites on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites as required by Iowa Code section 455B.426. These rules apply to the evaluation for listing of known or suspected hazardous waste or hazardous substance disposal sites and to changes of the listing of sites on the registry.

**148.1(2)** These rules shall not limit the department's authority under 567--Chapter 133 to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, environment, or quality of life or to otherwise prevent or abate the exposure of the citizens of the state to hazardous conditions.

**148.1(3)** Persons subject to these rules retain all applicable appeal rights provided in Iowa Code chapter 455B.

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**567--148.2(455B) Definitions.**

**"Action level"** means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then the MCL. If there is no HAL, NRL, or MCL, an action level may be established by the department based on current technical literature and recommended guidelines of the EPA and recognized experts, on a case-by-case basis.

**"Contaminant"** means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally or which does occur naturally at a lower concentration, and includes all hazardous substances.

**"Disposal"** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or hazardous substance into or on land or water so that the hazardous waste or hazardous substance, or a constituent of the hazardous waste or hazardous substance, may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**"Groundwater"** means any "water of the state," as defined in Iowa Code Supplement section 455B.171(25), which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

**"HAL"** means a lifetime health advisory level for a contaminant, established by the EPA. Health advisories represent the concentration of a single contaminant, based on current toxicological information, in drinking water which is not expected to cause adverse health effects over lifetime exposure.

**"Hazardous substance"** means a hazardous substance as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution, or substance designated pursuant to 40 C.F.R 302.4.

*"Hazardous waste"* means a waste or combination of wastes as defined in Iowa Code section 455B.411.

*"Hazardous waste or hazardous substance disposal site"* means real property which has been used for the disposal of hazardous waste or hazardous substances either illegally or prior to regulation as a hazardous waste or hazardous substance under Iowa Code subsection 455B.411(4) and any adjoining real property and groundwater affected by the disposal activity.

*"MCL"* means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

*"NRL"* means the negligible risk level for carcinogens established by the EPA, which is an estimate of one additional cancer case per million people exposed over a lifetime to the contaminant ( $1 \times 10^{-6}$ ).

**567--148.3(455B) Site selection for investigation criteria.**

**148.3(1) General requirement.** The director shall investigate each known or suspected hazardous waste or hazardous substance disposal site.

**148.3(2) Order of investigation.** Three priority criteria shall be used to help determine the order of investigation of potential sites for the registry. The criteria are intended as general guidance and shall not be used to limit the department's selection of sites for investigation or the order of such investigation.

*a. First Priority.* Final or proposed National Priorities List (NPL) sites. Summary information on the Iowa NPL sites is available in the U. S. Environmental Protection Agency's current update of *National Priorities List Sites: Iowa*.

*b. Second Priority.* Sites with documented releases of contaminants to the groundwater above action levels or which otherwise may pose a significant threat to human health or the environment because of known or potential disposal activities.

*c. Third Priority.* Sites without documented releases of contaminants to the groundwater above action levels and which otherwise may not pose a significant threat to human health or the environment because of known or potential disposal activities.

**567--148.4(455B) Site investigation for listing on registry.**

**148.4(1) Determination of eligibility .** The department shall determine if a site meets the statutory definition of a hazardous waste or hazardous substance disposal site. A brief written document shall be prepared which includes a recommended eligibility determination and provides summary information in support of this recommendation. The purpose of the determination document is limited to providing guidance for conducting further investigation of the site.

*a. File review.* The review of site investigation reports and other documents in the department's files shall be the primary source of information for making the eligibility determination. The director may also conduct an on-site investigation in the manner provided by Iowa Code section 455B.416 to help make the eligibility determination.

*b. Documentation of disposal.* The determination of hazardous waste or hazardous substance disposal is supported by the confirmation of disposal of a specific amount of at least one hazardous waste or hazardous substance. Other evidence may provide adequate support for a positive determination and may include documentation of waste disposal that is likely to have included a significant amount of at least one hazardous waste or hazardous substance, or documentation of soil, surface water, or groundwater contamination and a likely disposal source location.

*c. Documentation of illegal or unregulated disposal.* The determination of disposal either illegally or prior to regulation as a hazardous waste or hazardous substance is appropriate for confirmed disposal activities unless the disposal occurred legally at a permitted hazardous waste disposal facility as regulated in accordance with the Resource Conservation and Recovery Act (RCRA).

**148.4(2) Site information package.** A site information package shall be developed to provide an accurate summary of information about the site based on the relevant information in the department's files. The document is intended to provide sufficient summary information to support adding a site to the registry and determining a site classification. However, the use of the site information package is not intended to prevent consideration of the more complete file documents or of new information about the site.

*a. File review.* The review of site investigation reports and other documents in the department files shall be the primary source of information for preparing the site information package. The director may also conduct an on-site investigation in the manner provided by Iowa Code section 455B.416 to help prepare the site information package.

*b. Contents.* The site information packages shall be prepared with a similar format for each site. This format shall be designed, and modified as appropriate, to ensure that adequate information for the investigation of sites, as required by Iowa Code section 455B.428, is included in each document.

*c. Site boundaries.* A legal description of the site is required for the registry listing. This boundary description shall be proposed in the site information package and shall include the area used for disposal and any adjoining real property and groundwater affected by the disposal activity. The site description may include multiple property owners.

*d. Toxicity and environmental fate summaries.* Information about the characteristics of individual toxic contaminants shall be contained in an appendix attached to the site information package. This information shall be developed as separate summary documents for the contaminants found at or known to be disposed of at the site. These individual summary documents are intended to provide supplemental information about the toxic characteristics of the most significant contaminants found at the site. Once prepared, these documents can be updated and reused with other site information packages as appropriate. The toxicity and environmental fate summaries shall be prepared with a similar format for each contaminant. This format shall be designed, and modified as appropriate, to ensure that adequate information is included in each document.

**567--148.5(455B) Site classification.**

**138.5(1) General requirement.** Iowa Code section 455B.427(3) requires the director to assess the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes or hazardous substances at the sites. Every site must be placed in one of five classifications. However, sites which are reclassified "e" shall be removed from the registry.

**148.5(2) Criteria for determining site classification.** The criteria described in 148.5(3) to 148.5(7) shall be used to help determine the appropriate classification or reclassification for sites on the registry. The department shall propose the recommended site classification after the development of the site information package described in 148.4(2).

**148.5(3) Classification "a." Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required.** The documented release of contaminants is causing or the imminent threat of release of contaminants is likely to cause one of the following conditions:

- a. Exposure above groundwater action levels in a drinking water supply used for human or animal consumption.
- b. Exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- c. ~~Exposure resulting in the threat of acute toxic impacts on aquatic life or irreversible impact on the environment.~~

**148.5(4) Classification "b." Significant threat to the environment--action required.** The documented release of contaminants is causing or the potential release of contaminants is likely to cause one of the following conditions:

- a. Groundwater contamination above groundwater action levels.
- b. The likely possibility of exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- c. Exposure resulting in the threat of chronic toxic impacts on aquatic life or significant impact on the environment.

**148.5(5) Classification "c." Not a significant threat to the public health or environment--action may be deferred.** There is no documented release of contaminants to groundwater above groundwater action levels and the potential for release under current site conditions is unlikely to cause a significant threat to the environment.

**148.5(6) Classification "d." Site properly closed--requires continued management.** The site has been properly closed under an EPA or state approved remedial action plan in which the hazardous wastes or hazardous substances were removed, treated, or contained on-site and one of the following conditions is required:

- a. Continued environmental monitoring to determine the adequacy of the remedial action.
- b. Continued site management to maintain the integrity of the physical closure structures.

c. Continued control of site to prevent inappropriate use of the property.

**148.5(7) Classification "e."** *Site properly closed, no evidence of present or potential adverse impact--no further action required.* The site meets one of the following conditions:

a. The site has undergone complete cleanup under an EPA or state approved closure plan and no monitoring, structural maintenance, site access control, or other action is required.

b. The site has undergone other action which demonstrates that no further monitoring, structural maintenance, site access control, or other action is required.

**148.5(8) Department of Public Health (DPH) classification recommendation.** As required by Iowa Code subsection 455B.427(3), the department shall work in cooperation with the DPH in making assessments of the relative priority classification on matters relating to public health. The department's proposed classification and a copy of the site information package shall be submitted with the request for the DPH site classification recommendation.

**567-148.6(455B) Site listing.**

**148.6(1) Notification to site owner.** After receiving and considering the recommended site classification from the DPH, the department shall notify the owner of any part of a site to be included in the registry. The notice shall include the name of the site owner(s), legal description of the site, period of waste disposal (if known), type of hazardous waste or hazardous substances disposed of or found as contaminants at the site, and the intended site classification. The notice shall be sent by certified mail to the owner's last known address 30 days before the site is added to the registry.

**148.6(2) Appeal of site listing.** During the 30-day notice period, the owner or operator may appeal for deletion of the site, modification of the site classification, or modification of any information regarding the site. The site shall not be listed on the registry until a final decision has been made on the appeal in accordance with Iowa Code section 455B.429.

**148.6(3) Recording of site designation.** After the site is placed on the registry, the director shall file with the county recorder a statement disclosing the period of waste disposal and the type of hazardous waste or hazardous substances disposed of or found as contaminants at the site.

**148.6(4) Changes to site listing.** Changes to the site boundary or site classification shall not be made without notice to the affected property owner(s). Changes in site boundary designations shall be filed with the county recorder. The director shall also notify the county recorder when the site has been reclassified as Classification "e" and has been removed from the registry.

**148.6(5) Use and transfer of listed sites.**

a. **Restriction on use.** Written approval of the director is required prior to any substantial change in the use of a listed site. The written requests shall be considered on the basis of the potential impact to human health and the environment.

b. **Restriction on property transfer.** Written approval of the director is required to sell, convey, or transfer

title of a listed site. The written requests shall be considered on the basis of the potential impact on human health and the environment.

*c. Appeal of director's decisions.* Decisions of the director concerning the use or transfer of a listed site may be appealed in the manner provided in Iowa Code section 455B.429.

**148.6(6) Financial disclosure.** Financial disclosure is required of a person liable for site cleanup costs. The disclosure report is required upon request of the department immediately after the site is listed on the registry. A subsequent report is required annually on April 15 for the period the site remains on the registry. The report shall consist of documentation of the responsible person's liabilities and assets, including, if filed, a copy of the annual report submitted to the secretary of state pursuant to Iowa Code chapter 490.

**567-148.7(455B) Annual report.**

**148.7(1) General requirement.** Annually, on January 1, the director shall transmit a report to the general assembly and governor identifying all sites on the registry. The report shall include all sites that have been added to the registry through October 30 of the preceding year. Sites that have been reclassified as Classification "e" during the year shall be deleted from subsequent annual reports. A copy of the report shall be sent to the board of supervisors of every county containing a site.

**148.7(2) Specific site information requirements.** The report shall include, but is not limited to, the following information for each site:

- a.* A general description of the site, including the site location and name, current owner, and the type and quantity of hazardous waste or hazardous substance disposed of at the site.
- b.* If known, a summary of significant environmental problems at or near the site.
- c.* If known, a summary of serious health problems in the immediate vicinity of the site and health problems deemed by the director, in cooperation with the DPH, to be related to conditions at the site.
- d.* If occurring, the status of testing, monitoring, or remedial actions in progress or recommended by the director or other agencies.
- e.* If occurring, the status of pending legal actions and federal, state, or local permits concerning the site.
- f.* The relative priority classification for remedial action at the site.
- g.* The proximity of the site to private residences, public buildings or property, school facilities, places of work, or other areas where individuals may be regularly present.



**Iowa Department of Natural Resources  
Solid Waste Section**

**Chapter 148 Public Comments and Response**

A new Chapter 148, "Registry of Hazardous Waste or Hazardous Substance Disposal Sites," was filed for Notice of Intended Action on February 19, 1992. The final date for submitting public comments was March 28, 1992.

No written or oral comments were presented at the public hearing on March 18, 1992. One written comment was received from the public during the comment period. The Administrative Rules Review Committee discussed the rules on March 9, 1992 and provided one comment on rule 148.3(2)"a." The following includes these comments and the responses by the Department of Natural Resources.

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**Comment by Administrative Rules Review Committee on rule 148.3(2)"a."**

This part of the rule describes the first priority criteria for selecting sites for investigation for being placed on the Registry. The Administrative Rules Review Committee discussed the reference in the rule to the National Priorities List (NPL) and Hazardous Ranking Score (HRS). The Committee suggested providing more information on the NPL and HRS, so that an ordinary citizen might be better able to find out what they are. The Committee wondered if there is a list or publication that could be referred to that would explain more about the NPL and HRS, or if we could explain more about the terms and how the public can find what sites meet these criteria.

**Response:**

The U.S. Environmental Protection Agency (USEPA) publishes documents for each state which provide a good summary of the superfund program, including a discussion of the NPL and the HRS. The document also includes site fact sheets for each NPL site in the state. The rule has been changed to include a reference to this document, *National Priorities List Sites: Iowa*. In addition, the rule was changed to delete the sentence referring to the HRS score.

**Comment by Browning-Ferris Industries (BFI)**

The comment was prefaced with a statement of support for the objectives of the state hazardous waste remedial fund (Iowa Code section 455B.423).

"BFI strongly supports the objectives of Iowa Code section 455B.423 et al. Through the creation of state "Superfunds," states can have the flexibility to address problems found at various categories of sites. We have supported the "deferral" by the USEPA to state authority to remedy sites where releases of hazardous substances endanger public health or welfare. The type of state action deferral endorsed by BFI will ensure that deferred sites receive prompt and sufficient remedial action. ~~Deferring more formally and generally to State authority will allow a larger number of cleanups to proceed expeditiously since the time of Federal personnel dedicated to implementing CERCLA would not be required at sites addressed by state authorities. Moreover, the scarce resources of the Federal Fund would be preserved for sites that cannot be addressed under State or other adequate legal authority.~~"

The comment recommendation is given in regard to the preceding statement. Although not directly referenced, the comment appears to recommend changes to rule 148.3(2)"a."

"In this regard, we recommend that the Department give first investigation priority to:

- 1) Sites with documented releases which have not been:
  - a) Categorized or listed for purposes of the Registry or
  - b) Listed on the NPL under the Federal CERCLA statute.
- 2) Sites that may threaten to contaminate or continue to contaminate known or likely sources of drinking water, or
- 3) Those at which a delay in cleanup would cause costs to increase rapidly."

As part of the paragraph with the recommendation, BFI included a statement about reserving the ability to conduct emergency response actions.

"While the State should reserve the ability to undertake cleanup employed to investigate non-NPL sites that present a known or probable immediate threat to the public health through direct human contact, explosion, fire or acutely serious air emissions."

**Response:**

The investigation of sites for the Registry is primarily intended as a review of reports and other documents in the department's files. The site selection for investigation criteria is intended to direct this effort towards sites which pose the greatest risk to public health or the environment. However, it is not intended to restrict the order in which sites are reviewed for the Registry. In addition, the site priority is intended as self-selecting, based on the current information in the department's files.

The listing of sites on the Registry provides the department with the some control to prevent future inappropriate uses of the site, and through the annual report provides a warning to nearby property owners. However, the site assessment and cleanup actions must occur separately under "Superfund" or Chapter 133 (Groundwater Cleanup rules), or other state authority.

The rule was not changed in response to the comment. The NPL sites present the highest level of risk to public health or the environment, and thus it is appropriate to have them as the first priority for investigation for the Registry.

Mr. Stokes gave a brief explanation of the rule and changes made to same.

*Motion was made by Margaret Prahl to approve Final Rule--Chapter 148, Registry of Hazardous Waste or Hazardous Substance Disposal Sites. Seconded by Rozanne King. Motion carried unanimously.*

**RULE APPROVED AS PRESENTED**

Charlotte Mohr asked if the petition by the City of Williamsburg will be on the agenda next month.

Mr. Stokes stated that an agreement has been reached with the City of Williamsburg, therefore it will not come before the Commission. He distributed copies of the city's letter of withdrawal.

**FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS: BIG CREEK USE DESIGNATION**

Allan Stokes, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the attached rule amendments which would designate a portion of Big Creek near Mt. Pleasant as a Class A (Primary Contact Recreation) water. This rulemaking activity has resulted from a petition presented by the city of Mt. Pleasant regarding the Class A use designation for Big Creek adopted in June, 1991. A public hearing was held on March 10, 1992, in Mt. Pleasant at which 12 individuals presented oral comments. Written comments were received through April 21, 1992, during which seven comments were submitted.

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Comments were received which supported and opposed the Class A designation. Comments not supporting the designation indicated: that a significant economic disadvantage would be placed on the City of Mt. Pleasant and its citizens by the Class A designation, that any primary contact recreation was more incidental than significant, that other agricultural streams similar to Big Creek historically where not and currently have not been designated, and that physical limitations in the creek preclude Class A uses. Comments supporting the use provided information on the type and extent of usage by friends, family and personal accounts. Numerous individuals commented that they frequently swim and canoe in Big Creek even during lower stream flow conditions. Other commentators stated that their children and friends of the children frequently played in the creek. Comments were also made on the philosophy of maintaining the creek's water quality for current and future users.

It is recommended that the Class A use designation be maintained for the portion of Big Creek from its mouth to the mouth of Brandywine Creek.

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(Rule and Responsiveness Summary are shown on the following six pages)

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June 1992

Environmental Protection Commission Minutes

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Termination

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources terminates the rule-making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on April 1, 1992, as ARC 2918A, amending Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The termination, as adopted by the Environmental Protection Commission at its May 15, 1992 meeting, will maintain the Class A (Primary Contact Recreation) designated use for Big Creek from its mouth in Henry County to the mouth of Brandywine Creek (S20, T72N, R6W, Henry Co.).

The notice was published to receive comments on the proposed deletion of the Class A use designation for Big Creek in response to a Petition for Rule Making from the city of Mt. Pleasant. Twenty-two comments and one petition were received during the comment period providing both opposition to and support for the Notice of Intended Action to delete the Class A use designation. Comments received demonstrate that actual recreational uses are being made of the stream consistent with the Class A use designation. These comments have been addressed in a responsiveness summary available from the department and is on file with the Administrative Rules Coordinator. Since the comments received support the existing Class A use designation for Big Creek, there is no further need to proceed with rule-making for ARC 2918A.

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY

FOR

CHAPTER 61, WATER QUALITY STANDARDS - USE DESIGNATION

CLASS A USE DESIGNATION - BIG CREEK NEAR MT. PLEASANT

The attached information constitutes a summary of the oral and written comments received on the above proposed rule revisions. Fifteen oral and seven written comments were received during the public hearing period.

E92May-44

RESPONSIVENESS SUMMARY

The following information constitutes a summary of the comments received at a public hearing held on March 10, 1992 in Mt. Pleasant. A notice of the hearings was sent to the City of Mt. Pleasant, several local interested citizens and local news organizations. Written comments were received through April 21, 1992. This responsiveness summary addresses all comments. Each comment is followed by the name of the commentator, a discussion, and staff recommendation.

The rulemaking activity, including the public hearing is in response to a Petition for Rulemaking filed by the City of Mt. Pleasant, requesting that the Class A (primary contact recreation) designation be removed of a portion of Big Creek in Henry County. The stream segment of Big Creek designated as Class A was included in previous rulemaking actions, ARC 2233A, in July 1991. The Class A designation was not proposed in the Notice of Intended Action of that rule making activity in 1991, but was added as a result of public comments. The department agreed that the city and other public may not have had adequate notice of the possibility of the Class A designation and thus should be reopened.

Class A designated stream uses are defined in 567 Chapter 61.3(1)b(1) as:

"Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include but not limited to, swimming, diving, water skiing, and water contact recreational canoeing."

1. Comment:  
(Written & Oral)

The following comments and documentation support the basis to keep Big Creek designated as a Class A Primary Contact Recreation stream from its mouth to Brandywine Creek.

1. Big Creek should be protected from levels of pollution that could be pathogenic to human. Writing off this protection, writes off the appreciation for the resource and results in a warning from mothers to their children not to swim, play or fish in the dirty creek.

2. Canoeing, including whole body contact recreation, occurs in this reach of the creek, even in the spring. For many years, swimming by various families, including adjacent land owner families and friends, also occurs in Big Creek below the mouth of Brandywine Creek. However, pollution (attributed to the city lagoons) now makes the creek unfishable, unwadable and unusable. Adjacent land owners no longer recommend swimming in the creek due to pollution from the city.

3. More and more families are building homes near the Big Creek in part because the creek circles Mt. Pleasant and wherever there are creeks and children the two will be together. Children from a trailer park near the Oakland Mills road bridge also play in the creek.

**Commentator:**

Teri & Randy Coleman, Dean Frish, Danny Garber, Claude Kremer, Carolyn Prattsmor, Robert & Esther Shaffer, Brent Wilson, Joy Wilson, Steve Wilson, Dolores Wittmer, and a petition signed by 53 individuals from the Mt. Pleasant area.

**Discussion:**

The testimony providing usage information on portions of the creek indicates that the creek has multiple recreational activities, including primary contact recreation. Several factors appear to influence the noted usage: close proximity to a larger regional community, extensive timber expanses along portions of the creek corridor, non-channellized stream beds, and unique natural feature. These factors are notably missing from other streams in more agricultural dominated area which do not support nor entice the primary contact recreation.

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While canoeing activities have been noted on several reaches of the creek, it appears that the swimming related activities are below Brandywine Creek where deeper pools may occur when adequate flow exists in Big Creek.

As stated in the federal Clean Water Act (1977), and its amendments, it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water. In addition, the Environmental Protection Agency (EPA) regulation applicable to developing water quality standards (40 CFR Part 131.2 & 3) expand on establishing designated uses and the designation of specific waterbodies to protect those uses 'whether or not they are being attained.' Iowa's Water Quality Standards (Chapter 61) implement the Clean Water Act for Iowa waterbodies. From the comments received, the uses to be protected by waters designated in Iowa's Water Quality Standards (Chapter 61.3(1)b(1)) as Class A waters are occurring in a portion of Big Creek.

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A review of the effluent data from both wastewater treatment facilities do not indicate that the effluent is the cause for the noted decrease in the

creek's aesthetic and water quality. It is suspected that multiple factors have influenced the historic trends in Big Creek's water quality, such as increased agricultural uses in the headwater areas of the creek, reduction in timbered areas along the creek and its tributaries, increased bank erosion and long term variations in rainfall.

**Recommendations:** Staff recommends maintaining the Class A (Primary Contact Recreation) use designation to Big Creek from its mouth to the mouth of Brandywine Creek (Sec 20, T72N, R6W, Henry Co.). This recommendation reflects the information provided on primary contact recreation occurring on the creek and is consistent with the Clean Water Act, the EPA regulations for Water Quality Standards and Iowa's Water Quality Standards.

**2. Comment:**  
**(Oral & Written)**

The city opposes the Class A designation for Big Creek for the following reasons:

1. Both of the city's northeast lagoon and main wastewater treatment facilities would be required to install disinfection equipment and possibly dechlorination equipment if chlorine was used as the disinfectant. Disinfection would cost approximately \$500,000 (not including future operational costs) at Mt. Pleasant's main treatment facility and add unwanted chemicals into the creek. Additional costs would be required for the northeast facility even with the option of a wetland system added to lagoon system.

2. The physical characteristics (lack of flow, and depth) of Big Creek during the extended periods of low stream flow do not support the uses noted in the Class A definition. This is supported by three separate field evaluation reports. There may be a pool or hole with sufficient water to carry on a limited amount of full body contact for short periods of time when the stream flows are elevated. However, the number of holes in Big Creek are no greater than that occurring in other streams of Big Creek's magnitude.

3. Since some of the earliest state efforts (1967) to protect Iowa's surface waters, Big Creek has not been designated as a Class A waters. The creek does not have beaches, maintain, public access, docks, or ramps for launching boats or canoes in its entire length.

4. Big Creek is the only rural stream in the state to have the Class A designation. It is difficult to

imagine that Big Creek has more full body contact than any other creek of its size or the entire Skunk River, except for a two mile stretch above the Oakland Mills Dam.

5. The cost of the disinfection at both facilities may put the city at an economic disadvantage, because of higher indebtedness, and daily operation costs of the facilities, and increased sewer rates, when compared to cities of the same size which may not be required to disinfect.

Following EPA's criteria of using common sense and good judgement in setting appropriate uses, one must decide whether full body contact is sufficiently likely to be a use in a rural stream or merely an incidental use.

**Commentators:**

Ronald Barron, and Scott Neal, City of Mt. Pleasant, Bob Kelso, Mt. Pleasant Area Chamber of Commerce, Mt. Pleasant Manufactures' Association

**Discussion:**

1. The department can not discuss in detail the projected costs of \$500,000 for the main treatment facility, but it appears to be within expected levels. It is likely that the addition of a wetland system at the northeast lagoon will assure meeting the instream fecal coliform or total residual chlorine numerical criteria, particularly during the April/May periods. However, there may not be adequate land area available at the lagoon site for a wetland complex. Any requirements to provide seasonal disinfection will require an increase in capital and operational costs which the users of the waste treatment facility will bear.

2. The field data assembled by the two city-supported reports and the department's field assessments demonstrate that the creek experiences frequent and extended low flow conditions which typically do not support recreational canoeing or tubing. The lack of stream flow also will diminish the water depth to a level that recreation would be limited to the few scattered natural deeper water areas. It appears that the opportunity for primary contact recreation in and on Big Creek is directly related to an elevated stream flow condition. Other factors, such as access, weather, water quality (turbidity), also influence this type of recreation.

3. Since the inception of Iowa's Water Quality Standards and applicable use designation, most Class A water have been associated with larger bodies of water where accessibility exists for extensive



primary contact recreation to occurs, e.g., state lakes, reservoirs, larger interior streams and the Missouri and Mississippi rivers. Only three smaller urban stream have been designated as Class A waters (Duck Creek - Davenport area, and Four Mile and Walnut creeks - Des Moines area).

Portions of Big Creek flow through a populated area which provided for an increase in recreational uses over a totally dominated rural stream setting. The creek also retains more of the natural and unaltered physical characteristics with limited crop land adjacent to it. The natural features have been given by local users as one of the reasons recreational canoeing has occurred.

From the oral and written comments received it appears that most of the existing primary contact recreation occurring in the creek is by friends and families of property owners providing access. No indication was made that there are future plans to provide public access to the creek. While no data exists, it appears that the number of user days of Class A recreation is much lower than occurring on other designated Class A waters or even non-designated waters such as the Skunk River.

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4. The department has not initiated the field assessment activities to gather data on Class A uses for Iowa waters. This activity will occur after the completion of the Class "B" aquatic use assessment. An entirely different field assessment approach will be used to obtain the documentation for Class A type uses. Therefore, the Skunk River along with other rivers and streams will be assessed for possible designation. It is anticipated that many smaller rural streams will not support the Class A type use designation.

5. While it is true that the cost of disinfection will be borne by the users of the wastewater treatment facility, the degree of economic disadvantage is speculative. The future Class A field assessment of streams flowing through other communities similar to Mt. Pleasant may also recommend the Class A designation. This may require other communities to address the need for effluent disinfection. Thus, there should not be a long term economic disadvantage to the City of Mt. Pleasant.

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**Recommendations:** It is recommended that the Class A Primary Contact Recreation uses be maintained from it mouth to Brandywine Creek.

3. Comment: As a life long resident of the city, I have never  
(Oral) witnessed anyone canoeing, swimming, or fishing in  
the creek.

Commentator: Harry Hite

Discussion: No discussion needed.

Recommendations: None required.

Mr. Stokes explained the rules and noted that the issue before the Commission is whether or not to retain the Class A designation which would require the city to disinfect their waste water effluent prior to discharge and to use a dechlorination process. This would add to the physical nature of the plant and incur added costs. He outlined the following options the Commission could take: 1) withdraw the rulemaking which would leave the Class A designation in place; or 2) adopt the rules as proposed which would remove the Class A designation and not provide for protection of the stream for bodily contact purposes. This option would leave it classified as B Warm Water with one stretch as Significant Resource and another stretch as B Limited Resource. Mr. Stokes stated that the issue is a question of how many people it takes, in terms of using a stream for bodily contact, to determine Class A designation. He added that the departmental rules are not very clear on this issue and perhaps future rulemaking should set forth guidelines to make these determinations.

*Motion was made by Margaret Prah! to withdraw rulemaking leaving the designation as Class A.*

At this point, Mr. Stokes noted that Scott Neal is scheduled for an appointment at 11 a.m. to address this item.

*Commissioner Prah!s motion failed for lack of a second.*

Commissioner Prah! asked what would happen if a group of people along the Wapsipinicon or Cedar rivers requested a Class A designation along their stretch of river.

Mr. Stokes responded that it would be handled in the same way in terms of bringing a recommendation to the Commission.

Discussion followed regarding a flaw in this area of the rules.

#### **APPOINTMENT - SCOTT NEAL (BIG CREEK)**

Scott Neal, City Administrator for the City of Mt. Pleasant, addressed the Commission stating that this issue deals with a stream that on it's face is not a typical Class A stream but has a lot of Class A activity. He related that the city uses Big Creek as it's effluent discharge stream and would like to see it remain as a Class B Significant Resource and Limited Resource stream. Mr. Neal noted that regardless of what the Commission does today, the new ammonia regulations coming into effect will force the city to clean up the discharge going into Big Creek. He stated that the ramifications of defining Big Creek as a Class A stream are large because there are many streams of a similar nature in the state, and he does not believe the department or the legislature has the finances to enforce Class A regulations on the number of this type of streams in the state.

Discussion followed regarding the type of Class A activities taking place on Big Creek; the economic impact to industry due to construction costs; the possibility of the city discharging into the Skunk River; no public access for Class A activities; and the amount of discharge going into the creek.

*Motion was made by Margaret Prahl to approve Final Rule--Chapter 61, Water Quality Standards: Big Creek Use Designation, as presented.*

*Motion failed for lack of a second.*

Chairperson Hartsuck asked what options are available to the Commission to act on this issue.

Mr. Stokes reiterated the options previously stated.

*Motion was made Rozanne King to adopt the rules that went to public hearing proposing to remove the Class A designation and put in place the Class B Warm Water designation. Seconded by Charlotte Mohr.*

Chairperson Hartsuck expressed concern with the rules not being specific enough to guide the Commission on making a decision in this type of situation. He related that consistency is important and whatever standards the Commission imposes in this case should be kept in mind as being most appropriate in other situations.

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Yeager, Ehm, King, and Mohr. "Nay" vote was cast by Commissioner Prahl. Chairperson Hartsuck routinely abstained. Motion carried on a vote of 5-Aye, 1-Nay, and 1-Abstain.*

Mr. Stokes commented that staff recognizes the need to develop rules which will provide better guidance in determining when a Class A designation is appropriate.

<p><b>APPROVED RULE WITH BIG CREEK CLASSIFIED AS CLASS B WARM WATER</b></p>
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**PUBLIC PARTICIPATION**

Chairperson Hartsuck announced Public Participation at 10:30 a.m.; no one requested to speak.

**NOTICE OF INTENDED ACTION--CHAPTERS 40, 41, 42 AND 43, DEFINITIONS, WATER SUPPLIES, LABORATORY CERTIFICATION AND DESIGN AND OPERATION.**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Notice of Intended Action for modifications to the Water Supply rules incorporating U.S. EPA regulations for inorganic chemicals, synthetic organic chemicals and lead and copper, and to implement Sections 455B.113 and 455B.114 concerning environmental laboratory certification.

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The rules amend current rules for inorganic and synthetic organic chemicals including revising or setting new standards for maximum contaminant levels, monitoring requirements, and analytical procedures;

Set or revise MCLs for 8 inorganic and 30 synthetic organic chemical contaminants;

Propose lead and copper rules consisting of a treatment technique requirement that includes tap water monitoring, corrosion control treatment optimization, source water treatment, lead service line replacement, and public education; and

Revise drinking water laboratory certification requirements to implement Code Sections 445B.113 and 455B.114 by establishing certification procedure and fees.

The proposed rules were presented at the April Commission meeting as an informational item. Three public hearings are scheduled. The hearings will be in Denison, Des Moines, and Cedar Rapids.

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(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Stokes explained that these rules contain changes to keep the state's drinking water program consistent with the federal requirements in order to retain primacy of the program.

Margaret Prahl asked if there is a timeframe for adoption of the rules.

Mr. Stokes stated that there is no specific timeline other than the normal 180 days allotted for rulemaking, following the last hearing date.

*Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 40, 41, 42 and 43, Definitions, Water Supplies, Laboratory Certification and Design and Operation. Seconded by Rozanne King. Motion carried unanimously.*

**RULE APPROVED AS PRESENTED**

Clark Yeager asked if these rules will help the number of cases involving schools, campgrounds, etc.

Mr. Stokes responded that the rules set forth additional requirements for public water supplies and will probably add to their burden.

Discussion followed regarding the location and number of public hearings to be held on these rules.

It was the consensus of the Commission to hold six public hearings in the areas of the six field offices.

Mr. Stokes stated that the legislature passed enabling legislation giving the department authority to look at the viability issue in the areas of water supply and waste water, and staff will contemplate rulemaking for same.

**UPDATE - FEDERAL CLEAN AIR ACT IMPLEMENTATION**

Mr. Stokes stated that the General Assembly gave the state statutory authority to begin implementation of the provisions of the new federal Clean Air Act, update the State Implementation Plan, and seek redelegation for enforcement of the Clean Air Act from the EPA. He noted that the department had a bill before the legislature this year to correct some deficiencies that EPA suggested should be corrected and the legislature did not act on it. It will be taken to the legislature again next session. The department has until November 1993 to submit to EPA the State Implementation Plan revisions to address most of the changes. There is an intermediate deadline of November 1992 to submit the state's program for implementation of the Small Business Compliance Technical Assistance Center. The department will try to negotiate a 28E Interagency Agreement with the Waste Reduction Center at UNI to help implement those provisions.

Mr. Stokes noted that the process of rulemaking has begun with the creation of a task force to assist in providing recommendations and input for a program that is most efficient and economical and does not create major problems for industry. The task force is made up of various types of business and industry across the state. The first meeting of this group was held on March 20, 1992, and the next meeting will be on April 24, 1992. Mr. Stokes related that staff has developed a chart showing the path of what needs to be done by the department to implement the Clean Air Act program, and copies of the chart are available to any Commissioner who would like to see it.

Mr. Stokes also updated the Commission on EPA's position concerning ethanol fuel. He distributed copies of a memo outlining the details of this position.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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## **REFERRALS TO THE ATTORNEY GENERAL**

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Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Van's Poultry Farm, Inc. (Kalona) - penalty collection
- b. Tom Zahrobsky (Lucas) - penalty collection
- c. Behounek Salvage Yard (Chelsea) - air pollution
- d. Landfill of Des Moines, Inc. - solid waste
- e. Kirshna Birusingh (Crescent) - solid waste
- f. Don faber (Des Moines) - solid waste
- g. Cityof Lytton - water pollution
- h. City of Tama - water pollution

### **Kirshna Birusingh**

Mr. Murphy stated that Mr. Birusingh owns property in Pottawattamie county that was the subject of an Administrative Order and penalty, in 1989. Mr. Birusingh paid a penalty and was directed to cease disposing or allowing disposal of waste on the property. In February

of 1992, a complaint was investigated and documented three areas where additional solid waste was being deposited. Mr. Murphy circulated photos of the area showing where the additional dumping took place.

#### **APPOINTMENT - KIRSHNA BIRUSINGH**

Kirshna Birusingh addressed the Commission stating that there is a ditch on the road coming up to his property and also one in an alfalfa field. He related that he wanted to add concrete to stop erosion problems on these areas. Mr. Birusingh stated that people would come out and dump refuse in the ditch going up to his house. He related that he hired a contractor to clean it out and he then filled it with dirt and planted oats and alfalfa. A gate was then installed and locked to keep people out. He circulated photos of the area that was cleaned up and added that he is willing to do anything else that needs to be done to comply with the law.

Chairperson Hartsuck asked if the debris shown in the photos was put there without his knowledge or permission.

Mr. Birusingh indicated that there was a rental house below his property and the tenant ~~allowed vehicles to be dumped there. He added that the tenant was supposed to have them removed.~~ Mr. Birusingh stated that when he asked a contractor to bring concrete in to stop the erosion he started having problems. He noted that he went to litigation with a construction company and that has been settled.

Margaret Prah! asked if all the debris has been removed, and if so, what it cost to do have the work done.

Mr. Birusingh stated that he hired a person to remove the debris and take to a legal landfill. He related that he is paying for it on installments.

Mr. Murphy stated that an effort was made to find out who was doing the actual dumping and in the 1989 action two violators were caught and subsequently issued an Administrative Order, but it is a property owner's responsibility to police the property and keep it clean. He related that clean up has been done and the Attorney General will look favorably on that

Charlotte Mohr asked if the area has been seeded within the last 60 days and if the department has been out to inspect the area since then.

Mr. Murphy stated that he is not aware of anyone inspecting the area within the last 60 days.

Margaret Prahl suggested tabling the item and ask staff to inspect the area, then report next month whether they still want to refer it if the clean up is as pristine as it looks in the pictures.

*Motion was made by Gary Priebe to table this referral to allow staff to inspect the site and provide an update on compliance at next month's meeting. Seconded by Rozanne King. Motion carried unanimously.*

**KIRSHNA BIRUSINGH REFERRAL TABLED FOR ONE MONTH**

**Van's Poultry Farm**

Mr. Murphy stated that the penalty payment has been received therefore this referral will be withdrawn.

**REFERRAL WITHDRAWN**

**Tom Zahrobsky**

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.*

**REFERRED**

**Don Faber**

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Margaret Prahl. Motion carried unanimously.*

**REFERRED**



**Landfill of Des Moines, Inc.**

Mr. Murphy reviewed that Landfill of Des Moines #4 was referred several months ago and this case involves similar problems at Landfill #5. This facility was issued an Administrative Order in November 1991 due to deficiencies in the company submitting the necessary planning documents to complete its permit renewal application. The Order required those documents by the end of 1991. He outlined the schedule given them to come into compliance. Mr. Murphy related that on March 31, 1992, the department received a report addressing some of the hydrogeological issues but it was an inadequate report. Also, the penalty has not been received.

**APPOINTMENT - LARRY McCLELLAND (LANDFILL OF DES MOINES, INC.)**

Larry McClelland addressed the Commission on behalf of C & D Landfill stating that he was retained to handle this case a couple of days ago. He noted that he was not aware of when the Administrative Order was issued until he heard Mr. Murphy make that statement. Mr. McClelland stated that the company retained Groundwater Resources Consultants in January 1991 to prepare the planning documents required for Landfill #4, pursuant to the first Administrative Order. He noted that they had problems last December with completing the drilling, in order to submit the reports. As of May 13, Groundwater Resources, and Patricia Schwartz of the DNR, set up a new schedule for the required documents to be submitted in final form by June 30. Mr. McClelland asked the Commission not to refer at this time but to take up the matter after the June 30 deadline.

Chairperson Hartsuck asked if the June schedule replaces an earlier schedule that was not met.

Mr. McClelland stated that in talking to his client, he indicated that Groundwater Resources asked for extensions on the schedule and understood they had been granted.

Mr. Murphy stated that he wouldn't call it an extension of a schedule. The schedule was set in an Administrative Order last fall and that was violated. He related that they are now coming in and saying they can get it done by a certain date. He added that that does not excuse the fact that they are in violation of the schedule set in the order.

Brief discussion followed regarding the penalty and schedule.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRED**

### **LEGISLATION UPDATE**

Mr. Stokes presented the status of the following bills of interest to the Commission:

Environmental Trust Fund - did not receive final passage

Administrative Penalty Increase to \$10,000 - passed and was signed by the Governor

Corrective Amendments to Air Quality Bill - did not pass

Increase Penalty of UST Fees from 23% to 40% - passed in different form than proposed

Water Supply Withdrawal and Waste Water Requirements - held up by a legislator who was not pleased with some provisions of the bill

Solid Waste - a bill was passed requiring overweight garbage trucks to off-load vehicles only at a permitted site

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Water Supply/Waste Water Viability - passed

A bill passed extending the date (to 1994) for existing landfills to install a leachate recovery system. Language was dealt with that encourages use of clean foundry sand in landfills.

Mr. Stokes expanded on details of the bills and problems encountered in the legislature with the bills that did not make it through.

<b>INFORMATIONAL ONLY</b>
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### **REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

#### **City of Lytton**

Mr. Murphy reminded the Commission that the City of Lytton and American Meat Protein Company (AMPC) were both presented for referral last October. That referral was due to AMPC's overloading of the city system in violation of it's treatment agreement. AMPC was referred but the city was not. Since that time, AMPC has continued to violate leading to problems with the city's wastewater treatment last fall. In attempting to store over the winter, some discharge was released and the effluent quality exceeded the discharge limitations.

**APPOINTMENT - TOM NILLES (CITY OF LYTTON)**

Tom Nilles, McClure Engineering Company, reviewed the chronology of events that led up to this referral. He noted that the lagoon operator contemplated drawing the lagoon down in the fall, but an ice storm prevented the drawdown. He related that, in January, an overflow occurred which was not a threat to the environment. In February, a meeting was held in Storm Lake and DNR recommended that the plank lagoons be drawn down to the maximum design level. In March, samples were taken and showed it was within the discharge limits. Mr. Nilles summarized that an overflow did occur which exceeded the permit limits, but in his opinion, the plant operator acted with prudence under the circumstances. He tried to retain the water until the retention endangered the lagoon structure, at which time a decision was made to discharge the water rather than risk damage to the structure and result in a massive spill. Mr. Nilles stated that the discharge was not a threat to the aquatic life in the stream and not a threat to a fishkill.

Chairperson Hartsuck questioned how Mr. Nilles reasoned that the excessive BOD levels were not harmful, and further questioned what levels he would consider to be harmful.

Mr. Nilles stated that he is talking about 100 milligrams per liter, at 100 gallons per minute, for a limited period of time. He related that over a larger time frame it would eventually become detrimental.

Discussion followed regarding the overload to the city system; steps taken by the city to deter AMPC from violating; and the city's responsibility to cease violations.

*Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.*

**REFERRED**

**Behounek Salvage Yard**

Mr. Murphy stated that this case involves a salvage yard and problems with the owners burning rubber from tires in order to salvage the metal. He related that an Administrative Order was issued in November 1991 assessing a penalty and directing that open burning cease. Arrangements were made for the penalty to be paid on a time basis. In March 1992, a conservation officer observed additional burning. Local police officials reported to DNR that there was another fire on April 10 which involved railroad ties, tires, light poles, plastic wire, water hoses and general garbage. Mr. Murphy related that this type of burning is particularly bad because the plastics and rubber can give off toxic contaminants.

**APPOINTMENT - JOHN THOMPSON (BEHOUNEK SALVAGE YARD)**

John Thompson, counsel for Behounek Salvage Yard, addressed the Commission stating that the concern is that this operation is not the type that can sustain itself if required to have large burning stacks. One aspect of all the fines presented to them was thrown out because the capacitors on white goods they received were not deposited at their yard, but were instead sent to a company in Des Moines. Mr. Thompson stated that they would like to work out the matter without going to the Attorney General.

Margaret Prah1 commented that even if it is referred, the informal discussion can go on with the Attorney General's Office as they do not file suit immediately.

Chairperson Hartsuck asked Mr. Thompson if he is the same John Thomson who wrote letter in November and December 1991 stating that things would be worked out.

Mr. Thompson replied that it was his hope and concern at that time that it would get better.

Brief discussion followed.

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<i>Motion was made by Margaret Prah1 for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.</i>
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<b>REFERRED</b>
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**ADDRESS ITEMS FOR NEXT MEETING**

Update - Midwest Low Level Radioactive Waste Compact

**GENERAL DISCUSSION**

William Ehm discussed problems with septic tanks owners on the outskirts of Creston tying in with the local system.

Charlotte Mohr asked if a permit is needed for semi drivers to haul tires. Mr. Stokes noted that tire haulers have to registered with the Secretary of State and they are regulated by DOT.

Chairperson Hartsuck explained his practice of, and reasons for, abstaining from voting unless there is a tie.

The majority of the Commission noted that they would prefer to have the chairperson vote on all issues.

Chairperson Hartsuck stated that he will vote on future issues.

**NEXT MEETING DATES**

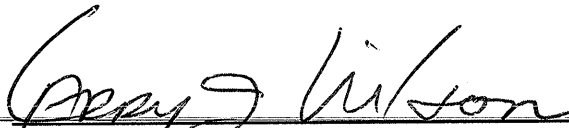
June 15, 1992

July 20, 1992

August 17, 1992

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 2:45 p.m., Monday, May 18, 1992.



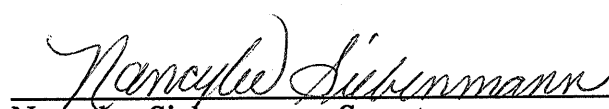
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Larry J. Wilson, Director



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Richard Hartsuck, Chairperson



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Nancy Lee Siebenmann, Secretary

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